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V. 2.

COUNCIL OF STATE DEBATES

MONDAY, 2nd AUGUST, 1943

Vol. II . No. 1

OFFICIAL REPORT



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PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI.
PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, NEW DELHI.
1943.

Price Five Annas.

Copies of the Debates of the Legislative Assembly and of the Council of State are obtainable on sale from the Manager of Publications, Civil Lines, Delhi.

COUNCIL OF STATE

Monday, 2nd August, 1942

ADDRESS BY HIS EXCELLENCY THE VICEROY TO THE MEMBERS OF THE CENTRAL LEGISLATURE.

HIS EXCELLENCY THE VICEROY : Gentlemen, it is a great pleasure to me to meet you again today, though I am sorry that it should be for the last time. You and I have been through difficult times together, and I shall always remember with gratitude the help and consideration that, through 7½ years of my Viceroyalty, I have had from the Central Legislature ; and the guidance that its members have given me on so many critical issues. It is a happiness for me to think that if we have been through bad days together in the earlier years of the war, I should be leaving India at a time when the skies are beginning to brighten ; when the success of the Allied arms in so many fields is becoming increasingly manifest ; and when we are encouraged by the fall of one of the greatest of the Axis leaders, and by the collapse of a system which was responsible for bringing Italy into the war against us.

The seven and a half years of my Viceroyalty have lain in momentous times. Through the whole period we have been faced by political issues of the first importance. For the last four years there has been the dominating need to concentrate on India's defence against hostile attack ; on the expansion and the training of our armed forces, whether Naval, Military or Air ; on the organising of our war effort in terms of men, of money and of supplies. India's response to every call made upon her throughout the war has been magnificent. She may well be proud of the superb contribution that she has made to the victories of the Allies, and to the triumph of the United Nations.

Gentlemen, I do not propose today to weary you with any lengthy or detailed review of the great developments that have taken place in India in so many fields since I assumed office. The tale would be a very long one. Rather would I propose to speak of India's war effort, to touch very briefly on certain major problems which are of immediate concern to all of us today, and in particular food, inflation, post-war planning ; to say a word about the political situation, and in taking leave of you, to thank you, and through you India, for consistent, ungrudging and invaluable support through so many dark days and so many critical situations.

When the war began India's armed forces were designed neither in numbers nor in equipment to bear the direct shock of attack of the large, highly trained and well-equipped forces at the disposal of the Axis powers. But, with the full knowledge that the safety of India lay in the defence of its outer bastions, we sent overseas what troops we could spare. Experience has more than justified our decision. Today we can feel that, save for sporadic and ineffective air raids, India has been spared the horrors of war as, God willing, she will continue so to be.

Our armed forces today total two million men. Naval personnel has increased tenfold. The Indian Air Force is expanding rapidly into a formidable weapon. That great total has been reached by voluntary recruitment, recruitment too from a wider variety of sources than ever before. The equipment and the training of these large masses of men has been an immense task, all the more so given the need to keep pace with new arms and new methods ; to create new formations—I need only mention the Indian Armoured Corps, the Corps of Indian Electrical and Mechanical Engineers, the Indian Army Medical Corps ;—to bring into being the formations of airborne troops, and of airborne surgical units, which have been so successfully developed in this country. In the air the Indian Air Force has expanded from the single squadron that was all its strength when I first came to India to ten Indian squadrons, fully equipped with modern aircraft. The essential, but highly complex ground organisation required by a national air force to provide its own maintenance and training units is rapidly being perfected. Its pilots have done admirable work in Europe : the Indian Squadron which took part in the Burma campaign has rightly won the highest praise. And the work of expansion and development goes on apace.

The Indian Navy has steadily grown through the whole of this period. There have been great and rapid increases in personnel, in ship construction, in shore establishments, in the development of specialist schools, and of specialist training. And recruitment has been extended to areas that never in the past sent men to serve at

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sea. The actions fought against Japanese aircraft by the "Sutlej" and the "Jumna"; the superb fight of the "Bengal" against surface raiders, have shown the fighting quality of the Royal Indian Navy. And our ships have been in action not only in Indian waters, but in the Red Sea, the Mediterranean, and the Atlantic, and, in the last few days, in the invasion of Sicily.

The fighting record of the Indian Army is known to you all. Indian troops played a glorious part in the North and East African campaigns. Their superb fighting qualities, their courage, determination, discipline and training have been demonstrated time and again in the campaigns that have resulted in the overthrow of the Italian empire in Africa. The great victory of the 8th Army, in which the 4th Indian Division added still further honours to what was already an imperishable fame, is in the minds of all of us. In the Far East, in Burma, and in Singapore our troops faced, like their comrades from the other parts of the British Commonwealth, superior forces; and they fought a series of delaying actions in a type of warfare that makes the highest demand on the quality of troops. Those actions, fought with stubborn courage against grievous odds, gave India time to perfect her own defences against invasion. And the experience gained in the difficult and exhausting jungle warfare in which we have recently been engaged will be put to good use when the time comes for that full dress attack upon the Japanese to which we all look forward. The exploits of Brigadier Wingate's mixed force of Indian, British, Gurkha, and Burmese troops, have struck the imagination of the world, and have shown what good soldiering, discipline, and brotherhood in arms can achieve under conditions peculiarly favourable to the enemy.

The picture I have painted is but a pale reflection of the faith, the courage and the endurance of tens of thousands of humble men; courage that has won for the Indian Army no less than six awards of the Victoria Cross. No words of mine can express our thanks to them for what they have achieved, to the Princes and people of India, who have poured out their treasures of money and labour and of precious lives in the allied cause. But this I know,—whatever may be the tasks which lie ahead; however long and arduous the road we still have to traverse, that faith, that courage, that sacrifice will lead to victory.

Since I last addressed you, Gentlemen, the relations of my Government with the foreign States on India's frontiers have, I am glad to say, remained cordial. Indian troops have served with distinction in Persia. The Government of Afghanistan have well upheld their policy of neutrality as against all belligerents and have not suffered the Axis influences due to the presence of enemy Legations in their capital to disturb the common peace of the Indo-Afghan frontier. The tribes of the North-West Frontier have throughout the war maintained the peace, and I was glad on my recent visit to that famous region to be able to recognise their service to the common end by a permanent enhancement of the allowances of one of the leading tribes, the Orakzais. Of the unstinted help which the cause of the United Nations as a whole and India in particular has received from our well-tried and trusted friends, the Prime Minister and the Government of Nepal, I cannot speak in terms of too high gratitude. The Gurkha soldiers of the Indian Army continue to maintain the highest traditions of their service. Their bravery and hardihood have contributed in no small degree to the security of India throughout the war, and I need not remind you that the Nepalese Government's own regiments remain in India for the war to assist us in building up our common strength. The relations of India with our great Ally, the Republic of China, have been drawn closer than ever before in history. The mutual esteem and knowledge won during the visit of the Generalissimo and Madame Chiang Kai Shek in February 1942 has broadened to an understanding which bodes well for the future relations of our countries. The presence, which we have so warmly welcomed, of American and Chinese Missions in our midst; the comradeship in the common task and on our own soil with the gallant forces of our American and Chinese allies all contribute most materially to cordial relations and international good fellowship.

Recent legislation in South Africa affecting the status of Indians in that country has been a matter of profound regret to my Government, and the situation which results from it is under active consideration.

Many of the essential nation-building activities are, under the present constitution, the responsibility primarily or wholly of the Provinces. But I have been anxious, during the time I have spent here, to ensure that the Centre should give every help that it properly can in regard to them, and there is much to show in the way of achievement. The revival of the Central Advisory Board of Education; the establishment of the Central Board of Health; the lavish grant made before the war from central revenues for Rural Development; the work of the Imperial Council of Agricultural Research, the establishment of which, as I am proud to recall, was recommended by the Royal Commission on Agriculture, over which I had the honour to preside, and which has proved itself so elastic and effective an instrument for promoting technical progress; the institution of the All-India Cattle Show Society, which has done so much to encourage the most important matter of care and breeding of cattle throughout the country; the active prosecution of nutritional research; the great campaign against tuberculosis, organised by my wife, which has had so striking a response from all over India—these are all examples of the numerous activities in the nation-building field which have been of concern to my Government and to myself during the time that I have been here. India has reason, too, to be proud of the work that has been done in Animal Husbandry, in Dairy Research, by the Agricultural Marketing Department, by the Forest Service, and by the Survey of India. The war inevitably has interfered with certain of our plans for the development of many of these most important activities. But the war has also shown their vital significance, and we have good reason to be thankful that so much had been done in the way of preparation before hostilities began.

I may be forgiven for touching on one matter which, though it is of immediate local interest to the Central Legislature, is of concern to the country as a whole. When I assumed office in 1936 I determined that during my tenure of the Viceroyalty I would do everything in my power to make Delhi worthy of its place as the capital city of India. Today, I am glad to think that that ambition has been so largely realised. Delhi is a model so far as the anti-malaria campaign, up-to-date arrangements for the disposal of sewage, the active work of an energetic and soundly-based Improvement Trust, the development of open spaces and of amenities, are concerned. Those amenities and the layout of the capital city have inevitably suffered owing to war conditions. But it is the policy of my Government, on the conclusion of the war, to remove without delay the temporary buildings that war has rendered necessary, and to restore the appearance of the Capital of India to the high level which we had been able to achieve for it.

I would like to say one word about the transport situation, and the position of the Railways in particular. The vital importance of an efficient and adequate transport system, both for the war effort and for the maintenance of civil life, has been brought very sharply home to us in these last few years. The Railways are working under very great strain. Great strain because of shortage of certain materials in wartime; because of the immense burdens placed on the staff by war conditions. We owe a real debt to the Railway staff for the contribution they have made, and the excellent work they have done in circumstances sometimes of much difficulty. My Government are fully alive to the importance of co-ordinating transport by road, rail, and river, and no pains are being spared to turn to the best use possible any additional capacity that can be made available, and to strike a just balance between military and essential civil needs.

Activities in the field of war supplies have expanded enormously since I last addressed you. The value of orders handled by the Supply Department increased steadily from 85 crores in the first 16 months of the war, to 118 crores in 1941, 223 crores in 1942 and to 142 crores for the first five months of the present year. Nor is this the whole tale of India's effort in the field of supply. For the figures which I have given take no account of the orders which the Supply Department placed overseas, the orders placed in India for war purposes through trade channels, or the value of the finished output of the Ordnance Factories. The total value of India's contribution to war supplies is thereby immeasurably increased.

In order to deal with this growing mass of war orders the capacity of Indian industry has been greatly expanded both by the carrying out of carefully considered Government schemes for the establishment of new factories or the expansion of

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existing ones, and by the operation of private enterprise. In particular the Chatfield and Ministry of Supply Mission Projects for new Ordnance Factories and expansion of the old ones are now either completed or nearly complete. I may also mention the great expansions in the steel industry, in the manufacture of machine tools, in the chemical industry, and in the capacity of the rubber manufacturing industry, especially for making tyres.

Those results have not been easy to achieve in the face of the difficulties, known to all of you, which arose and still arise from the growing claims on the shipping resources of the Allies, from the closure of certain sources of raw material by the tide of Japanese aggression, and from the pressure on India's internal transport system arising from the greatly increased burden of war production and military movements. In solving these difficulties, and in maintaining its war effort despite them, India has received and is receiving the greatest help from the other allied nations, especially from His Majesty's Government and from the United States of America. The Technical Mission which our American Allies sent us last year, and the Lease/Lend Mission now with us, have been of the greatest assistance to us. We have lately had a Joint Anglo-American Steel Mission which gave valuable advice and help in connection with the production and distribution of steel. And I must pay a cordial tribute to the admirable work of the Eastern Group Supply Council, itself the outcome of the Eastern Group Conference for the initiation of which India was so largely responsible, and which did such invaluable work.

This vast expansion in the field of war production has not been achieved without material sacrifice of the goods ordinarily available to the agriculturist and the townsman. I will refer later to certain aspects of that problem. But I am glad to think that many of the industries engaged in the manufacture of vital war supplies are now better equipped to produce goods for ordinary internal consumption than they were before; the experience gained in manufacture under the stress of war adds materially to our knowledge of modern skill and technique; and we are extracting and putting to use in India more and more of our own raw materials. Over and above this, realising the importance of providing for essential civil needs, we are now endeavouring to release for civil consumption a larger share of the industrial output of our own resources. The steps we have already taken in this direction will be steadily pursued, consistently with our responsibility for supplying the Armed Forces in India.

For the present, and for some time to come, our energies must be devoted to exploiting all available resources for the waging of war. But a moment will arrive when this process must be reversed and our efforts directed again towards the normal activities of peace, and the use and development of those resources for the rehabilitation of our economy, and the maintenance and—wherever possible—the improvement of the standards of living of our people.

Post-war reconstruction is a phrase familiar today in every continent. But the nature of this reconstruction must depend upon local conditions and the vicissitudes of battle.

In some countries the rebuilding of the bomb-shattered homes of the people, and of the factories in which they earn their livelihood, must be the first stage of recovery. Then again a nation the greater part of whose adult population of both sexes has been conscripted into the fighting services, or war industry, has to face problems vastly different, at least in degree, from those which confront us here in India where, despite the magnitude of our war effort, large sections of the population still pursue their customary avocations more or less undisturbed by the tides of war, save in so far as changes in the price level may have affected their lot for better or for worse. Our own problems in this field, vital though they are, are of a different order. War has brought to India a marked and significant increase in industrial activity, and an even more important increment in the number of persons skilled in mechanical and industrial work of all kinds. Evidently the problem is to carry forward after the war as much as we may of this enhanced industrial activity, transmuted betimes from its present warlike shape into forms capable of producing the needs of a world at peace. Certain of our industries, some of them highly important, have come through the past four years with few changes of a technical character, and for such the problems to be solved will be mainly of a commercial character.

Closely linked with industrial expansion are the problems of agricultural improvement. The best hope of permanent progress, whether in town or countryside, lies in the maintenance of a sound balance between field and factory. For the farmer, a steady and profitable market for his own produce and the opportunity to buy the products of the factory at reasonable prices : for the factory, a copious supply of raw material and a vast market for the finished product. The careful fostering of this natural, healthy and resilient partnership which is the foundation of our economic strength, and the firm base or platform from which we may develop our overseas trade, must be the first care of governments and of all concerned with industry or with agriculture. Agriculture, including agricultural education and research, and animal husbandry, is as I have already reminded you, a provincial subject. So also is irrigation. But in so far as it lies within the power and within the proper field of my Government to contribute towards agricultural improvement, they are most anxious to do their utmost in that direction.

The desire for improvement, agricultural and industrial, has evidently received a marked stimulus from the circumstances of war. This manifestation will certainly derive a fresh and powerful impulse by the demobilisation in due time of the great armies upon whose valour India at present depends for her security. Many of our soldiers have become mechanically-minded as a result of their training and some may well look to industry for a livelihood in the days of peace. But the greater number will wish to return to the land. Many of those men have seen the world beyond these shores. They will wish to enjoy the best that the business of farming can provide, and they will be found receptive of new ideas and improved practices. Their return to their villages offers a unique opportunity to press forward with agricultural improvement and rural betterment. These two purposes are bound indissolubly together. "Of all the factors making for prosperous agriculture, by far the most important is the outlook of the peasant himself." So wrote the Agricultural Commission in 1928, and all that I have seen or learned since that time confirms the correctness of that opinion.

My Government are fully alive to the urgency and the vital importance of these issues. For some considerable time past they have been closely concerned with the essential business of post-war planning. They realise the necessity of being well prepared in advance for the questions that will face India, like the rest of the world, on the termination of hostilities. You may be certain, Gentlemen, that they will spare no effort to clear the ground and to plan wisely for the future, and that their deliberations will be informed by the anxious desire to assist in all those matters to which I have just referred, even where the function is not primarily theirs.

The war has brought great industrial and commercial prosperity to India. But it has laid grievous burdens on the common man and woman in this country in the procurement of their daily needs. And the disabilities which war must bring to the civil population of any belligerent country have in India been greatly accentuated by the anti-social activities of individuals who have misused conditions of scarcity, artificially created in the case of some commodities, for their own profit. During the last few months, second only to the problem of how to feed the inhabitant of this country has come the problem of how to clothe him at a cost within his means. It was therefore to the problem of cloth that the Department of Industries and Civil Supplies, which I constituted in April last, first devoted its attention. Thanks to public support, thanks also to the co-operation of the Indian Cotton Textile industry, a scheme of control was launched on the 17th June which is being worked by Government and the industry in a friendly spirit. The Indian States are also in line with us, and I welcome this opportunity of acknowledging their co-operation. The prices of cloth of all kinds have fallen, not only in the wholesale, but also in the retail markets. In some of the retail markets they have fallen by more than 40 per cent. Cloth which has been hoarded is coming into the market ; and under the new scheme for Standard or Utility cloth my Government have arranged the procurement of this at the rate of 150 million yards per month, to be distributed, on a basis of population, among all the Provinces and States of India till a total of 2,000 million yards has been reached. It is hoped that cloth now coming out of hoards, and Standard Cloth, will fill the breach while the Control gradually establishes itself over the whole field of Cotton Textiles with, as a result, increased production and a substantial reduction in

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prices below present levels. When that stage is reached it will not be necessary to continue the Standard Cloth scheme.

But cloth is not the only commodity in regard to which advantage has been taken—and unmercifully taken—of the consumer in India by unscrupulous men. Over practically the whole range of consumers' goods, which are so necessary in the day-to-day life of the people, the two-fold blight of exorbitant prices and inequitable distribution has fallen. Measures are now well under way which will I hope, before many months have passed, bring about improvement in this respect. These measures are aimed not only at hitting the hoarder and the profiteer, but also at making consumers' goods of the commoner varieties available in greater quantities to the people of this country.

Probably the most grave and insistent problem which faces my Government today is that of ensuring an adequate distribution of foodstuffs throughout India. Early in July a Conference fully representative of the Provinces and the Indian States, discussed in close detail with my Government the difficulties of the past and plans for the immediate future. My Government have accepted the conclusions of the Conference, and they are being implemented. As I speak, an expert planning committee is at work on the evolution of a long term food policy, and its Report is expected in the immediate future. I cannot anticipate its recommendations. Nor do I wish to dwell overmuch on the past. But I would like briefly to recall to you some of the difficulties which have had to be faced during the past four years and to state in broad outline the essentials, as I see them, for the success of any future policy.

Certain limiting factors have to be recognised, even in normal times, when considering the economy of food production and distribution in India. The size of the country, with its demands on transport; a total production of foodgrains only just sufficient in wheat and less than sufficient in rice, made up of the small margins of millions of small farmers; the variety and at the same time the rigidity of local diet habits; the administrative divisions throughout the country. In normal times, these factors do not give rise to any great difficulty, for the normal operations of trade can ordinarily be relied upon to satisfy all requirements and to come effectively to the rescue, without official intervention, if for any reason local scarcity should occur. But war throws normal trade movements out of gear. Imports are restricted or cut off; transport is limited; there is a bullish tendency in the markets; prices rise and profits are high; the producer or distributor hoards for gain or consumes more of his produce; the consumer hoards from fear.

In such circumstances it is the duty of Government to step in and regulate the operations of trade so as to secure economy and fair distribution. In the United Kingdom great success has been achieved by drastic measures involving legal sanctions and the most detailed interference with private lives and private enterprise, but made effective largely by the willing co-operation of the people. In India our problem has been less compact and uniform, and control in consequence more difficult to impose. The series of Price Control Conferences instituted as soon as war broke out proved most valuable for the exchange of ideas and experience, and made recommendations which were acted on by Government. But you will recall that for the first two years of the war there was no great demand for controls. A moderate rise in prices after a lean period was welcomed. It is only since the entry of Japan into the war, and the loss of imports from Malaya and Burma, that the problem of supplies and prices has assumed serious proportions in India. Since then Governments throughout the country have had to adapt their methods to a rapidly developing situation, and to counter the cupidity and lack of confidence that have unhappily shown themselves in so many areas.

The Grow More Food campaign has led to an immense increase in the area under food crops, and a vastly-increased production of foodgrains. It is being urged on with the utmost vigour. Financial aid of well over a crore and a half of rupees has been made available from central revenues, and every possible help has been given to Provincial Governments and to the Indian States by way of technical advice. You may be certain, Gentlemen, that no pains are being, or will be, spared to get the very maximum of output that we possibly can.

To strike at the root of the causes of our difficulties which I have just mentioned my Government decided, early in this year, to remove the control price of wheat, and to import wheat from Australia. They also devised a scheme for the distribution under central control of surplus foodgrains to deficit areas. For various reasons this scheme appeared likely, at first, to fall short of the success that was hoped for. But, drastically modified in the light of experience, it remains in being. And it will hold the field as an "austerity" plan, until, having secured physical control of all available surpluses of foodgrains, administrations throughout India are in a position to control their distribution, through rationing or otherwise.

That task is no light one. But it is vital that it should be successfully performed. And full and willing co-operation by every Government and every individual is essential if its achievement is to be ensured.

The policy behind it will be a policy based on the considered views of representatives of every part of India, and I would most earnestly appeal today to all concerned to help in giving effect to it. To the solution of the common problem, to the easing of the hardships of the poor, and the difficulties of the deficit areas in particular, there is an obligation on every one of us to lend our influence, our example, and our ready support. I am confident that in appealing for that general co-operation, and for the spirit of self-sacrifice, in a matter that touches every man and woman in this country, I shall not do so in vain.

One of the main problems which has to be faced by a country at war is the control of inflationary tendencies. In the switch over from a peace economy to a war economy the mounting scale of Government expenditure inevitably increases the volume of incomes, while the goods and services available for civilian consumption inevitably contract. To accentuate the resultant loss of equilibrium between free purchasing power and the opportunities for its use, the possibilities of import become gravely restricted by the scarcity of shipping and reduced transport facilities. In any country a situation of this kind calls for the maximum effort of vigilance and control, if chaos is to be avoided. In India there are various factors, notably the magnitude of the country and the exiguous scale of administrative services in relation to a huge and largely uninstructed population, which render close controls peculiarly difficult. The position first began to deteriorate sharply when the consequences of the war with Japan became palpable in the latter half of 1942. By the spring of this year there were many signs of wide-spread hoarding and profiteering and of the emergence of a spirit of reckless speculation which gave a vicious stimulus to the factors making for a general rise in prices. The course of prices in consequence took an alarming upward turn, and it became clear that drastic action was called for and in every sphere of Government authority if this disastrous tendency was to be checked and reversed.

The Government of India are determined to do everything in their power to achieve this object and to stabilise economic conditions at tolerable levels. The drive against inflation is being pursued simultaneously in the monetary and the commodity fields. On the one hand an intensive effort is being directed to the mopping up of surplus purchasing power by taxation and borrowing, whether Central or Provincial, including a country-wide savings drive, and the Indian States have also been urged to co-operate in this programme for the benefit of the whole country. I am glad in that connection to be able to tell you, Gentlemen, that during the six weeks ending on 17th July, no less than 50 crores of rupees were invested, including 12½ crores by conversion from the 4 per cent. 1943 bonds—a most encouraging and heartening achievement. On the other hand, various forms of commodity control have been adopted, the most important, because of its effect on the cost of living, being the cloth and yarn control scheme to which I have already referred.

I have already spoken too of our efforts to deal with the various aspects of the food problem, which of course has an enormously important bearing on the tendencies we are determined to bring under control. The Government of India are also resolved to check speculation and profiteering in every sphere which affects the life of the nation, and to repress and penalize all cognate anti-social activity. I am glad to say that the measures already taken are beginning to have a most salutary effect. Not only has the vicious upward trend been checked, but several important indices have moved sharply downwards, with a beneficial effect on the whole price-structure. But there is no room for complacency, and we do not delude ourselves that this

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battle is over. On the contrary the campaign has only begun and we are determined to maintain the pressure and to fight relentlessly on every part of the anti-inflationary front. The stake is nothing less than the economic safety of the country ; it demands the co-operation of all of us, and no effort can be relaxed until this insidious danger has been removed.

It is perhaps unnecessary for me to enlarge on the more obvious aspects of the impact of the war upon India's economy. The imperious needs of the emergency have, as might be expected, called forth a tremendous intensification and diversification of India's industrial activity. This has involved the fullest use of our resources of raw materials, labour, transport and productive capacity. It has led to many new efforts in fields hitherto hardly explored and to expanding schemes for the training of personnel. All this would in itself have produced a notable transformation of India's economic outlook. But there has in addition supervened a factor which in my opinion is bound to have the greatest significance for India's economic future. It is by now a familiar fact that the war has led not only to the extinction of India's external public debt but to a change in her international position from a debtor to a creditor status. This fact is bound to have a profound influence on the course and character of India's international trade in future. I would suggest that this is a subject which might well engage the careful attention and study of Indian economists and research workers. For I am convinced that it is a sphere in which there cannot fail to be scope for constructive thinking. It is not merely the outward aspect of our foreign trade which must inevitably be transformed, but I would anticipate the most far-reaching effects upon the structure of India's whole economy. When it is remembered that India's export trade in the past rested largely upon the necessity of making remittances for the service of her overseas debt, that henceforth not only will this factor be absent but on the contrary India will have to accomodate an excess of imports in order to receive the payments due to her, it will be realised that the change which has occurred is one of the deepest significance.

I turn now to the political field. As Chairman of the Joint Parliamentary Committee I had been most closely associated with the discussions leading up to the Act of 1935. I came out here in 1936 following on the passing of that Act. My object, when I accepted this great responsibility, was in the first place to see Provincial Autonomy introduced, and to give it every help in my power to work smoothly and successfully. In the second place, to secure the introduction of Federation. I was confident that in no way could the interests of India's constitutional development or the achievement of all her aspirations better be forwarded than by these two successive stages that were contemplated in the constitution Act of 1935. Nothing has happened since 1935 to shake me in that view.

The scheme of Provincial Autonomy has been tested by experience now over many years. It is a workable scheme and a sound scheme. Today it is in operation in six Provinces out of eleven. Where it is not in operation, that is because those to whom it gave great power, great authority and great responsibility have not been willing to carry that responsibility. That there may be difficulties from time to time, that the machine may fail under certain stresses can surprise no one with experience of public life. But taking it all in all, the scheme has fully justified itself. I can think of no way in which, consistently with safeguarding the rights and the legitimate claims of all parties, the devolution of power to popularly elected Ministers, supported by a majority in the Legislature and willing to carry the burdens of the time, could better have been made.

At the Centre, as I have often said in recent years, I have felt with increasing force as the war has gone on, that the federal scheme, for all the imperfections that it may have contained, would have solved the bulk of India's problems had it been possible to bring it into being. No scheme is perfect : no scheme will satisfy everyone ; every scheme admits of being improved on by experience. And I know well that on various grounds the federal scheme has been the target of attacks. But, as in the case of the provincial scheme, I have no doubt as to its essential soundness. Parties, interests, individuals, all have to be prepared to make some sacrifice when it comes to matters such as this. No one in any modern State can hope to have a hundred per cent. of what he wants or what he thinks he ought to have. Compro-

mise, adjustment, reasonable regard for the legitimate claims of other parties, is the only basis on which progress can be made. Federation, had we achieved it, based as it was on the maximum measure of agreement that could be realised when the scheme was framed, would have welded together for matters of common interest the Indian States and British India. It would have secured balanced and reasonable representation of parties and interests at the Centre. It would have achieved the desire of His Majesty's Government to transfer to Indian hands those great powers at the Centre the transfer of which is provided for in the Act of 1935. And India would have participated in the War under the leadership of her own Federal Government, and her prestige and the prestige of that Government would thereby have been enhanced still further for the future.

Well, Gentlemen, the outbreak of the war and the absence of agreement between those concerned in India, made the postponement of Federation at that time inevitable. His Majesty's Government in those circumstances could not, in that way, give the early effect that they desired to their intentions. It was my duty and my happiness in those circumstances to try to find in what other way Indian public opinion, Indian public men, the great parties, could, pending the achievement of a final solution, best and most closely be associated with the government of the country and the management of the war.

If I have not been able to achieve the measure of success I hoped for, I have at any rate during the time of the war been able to bring into being changes of great significance and far-reaching importance. It is true that I have not been able to persuade the great political parties to take their share in the government of the country. But the Government of India, a body of 7, of whom the majority were officials, has been expanded into a body of 14, 11 of whom are non-officials, and four only (including the Commander-in-Chief) Europeans. Of its broad basis, of the representation it gives to communities and interests, of the quality of its Members, there can be no question whatever. The National Defence Council, a body representative of the Indian States and of British India, has met regularly under my chairmanship since October 1941. It has established its reputation throughout India; it has constituted a most valuable liaison between the Centre, the Provinces of British India and the Indian States, and its importance from the point of view of the war effort has been very real indeed.

In other fields India's international status has been enhanced in a variety of ways. She is represented at Washington and at Chungking. China and the President of the U. S. A. are represented here. For over a year now she has had representation at the War Cabinet. She has been most closely associated with all developments of importance in connection with the war. The splendid work of her fighting men, whether by sea, by land or in the air, has added to her renown throughout the world; the magnitude of her contribution to the war effort of the Allies is known to everyone.

I regret the more that at a time when India's contribution has been so great; when in so many ways her stature has been so enhanced, greater progress should not have been possible in the constitutional field during these years of war. That there should have been no greater progress is due to no lack of effort, or enthusiasm, or goodwill on the part of His Majesty's Government or of myself. From the very beginning of the war I have done everything that man could do to bring the parties and their leaders together; to remove doubts as to the intentions of His Majesty's Government; to achieve that sufficiency of common agreement among the parties and communities in this country, and that necessary preliminary acceptance of the legitimate claims of all, that must be the pre-condition of any constitutional advance that is worth having or that can hope for permanence. It will always be a sharp disappointment to me that these four years of war should, for all that effort, have seen us no nearer to our goal, and that, as I speak today, these internal divisions, these communal rivalries, that reluctance to place India first and to subordinate sectional ambitions and jealousies to the common interest of the country, should still stand in the way of progress.

As I have said elsewhere, those divisions, that lack of agreement, are due not to the reluctance of His Majesty's Government to transfer power to Indian hands, but to their very readiness to do so. But the fact, the lamentable fact, remains that to

[His Excellency the Viceroy.]

the grief of all of us, those divisions exist. Nor, during all that time, has a single constructive proposition—and I deeply regret to say it—been put forward by any Indian party. The whole burden of framing constructive proposals in relation either to the interim or the final solution has been left to His Majesty's Government and to myself. We, for our part, most anxious to give all the help we could, have tried one proposal after another, and we have done our best to harmonise the sharply conflicting claims that have faced us. The best that we can devise, informed as we are by centuries of experience of Parliamentary Government, has been freely offered. Yet, while one endeavour after another by His Majesty's Government to find a solution, fair to all parties and communities in India and acceptable to India as a whole, has been rejected by one party or the other, not one such practicable alternative proposal has been put forward by any one in this country.

Yet it is India herself, if India wants a change, that must find the solution to this problem. I sometimes think that public interest and discussion in this country has, in the past, centred too much on interim constitutional changes which, in the nature of things, must be transitory. Such changes cannot be a substitute for a constitution determined by ordinary processes and agreement; processes which cannot be completed under the stress of war. Short cuts can only be a danger alike to present unity and postwar solutions. At the stage now reached the real problem to be faced is the future problem; we must look forward and not backward.

And it is the need for India herself to find the solution that, in all friendliness and sincerity, I would most earnestly commend, Gentlemen, to your consideration today. I have said it before, and I say it again quite plainly, that the path to full and honourable co-operation with the Government of the country has always been open to those who desire it for its own sake. His Majesty's Government and the Viceroy can try to help, as they have tried in the past. But the burden is on India, on her leaders, on the principal elements in her national life. It is the discordance between those principal elements, the lack of trust, the lack of readiness to accept the legitimate claims of the minorities, or of parties, or of interests, that stand in the way. Those are obstacles that only Indians can remove.

And it is most important, and I would most earnestly urge this on you, that if there is to be any progress, Indian public men should without delay start to get together and to clear the way for it. The post-war phase is drawing rapidly nearer. His Majesty's Government, as you will remember, have voiced the hope that on the conclusion of the war Indians themselves may sit round a table and hammer out a constitution having the general support of all the principal elements in India's national life. Is India, are India's leaders, to be found unprepared when the day comes for those discussions? Is it not the course of wisdom to set to work at once, without wasting a day to try, by discussion among themselves, to find in readiness for those discussions an accommodation of the differences that prevent progress at the moment, and to build a bridge over the profound gulfs that divide party from party and community from community? They alone can do it. The burden is on them, and not on His Majesty's Government.

And the whole field is open to them. If the proposals which His Majesty's Government have at one time or other put forward, in default of any proposals from the Indian leaders, are unacceptable to India as a whole, there is nothing to stop India's leaders from considering and devising an alternative, whatever its nature, or from trying by private negotiation with other parties in this country to secure their support for any such alternative. All I would say—and I say it again as a friend of India, and as one concerned to see her progress in whatever manner is best suited to her national genius and to the interests of all within her borders—is this—that whatever alternative and whatever scheme is devised must take account of practical considerations; must have the general support of all the important elements in India's national life. No scheme, however good it may look on paper, that ignores important elements or interests, that overlooks the essential necessity for substantial agreement inside India as its basis, has any hope of surviving for long. A national Government can be a reality only if it is generally representative, if it has the general support of the major parties and of the people as a whole, if its establishment leads to the assuaging of communal and other bitterness and rivalry, and to the harmonising

of all the many divergent points of view that a country such as India, with its great range of climate, of races, its different historical traditions, must always present.

I would like to take this occasion to say a word of warm thanks to the Indian Press for all the help that it has given me during my time in India. Occasions there may have been when there were differences of view on matters connected with the Press ; misunderstandings there may have been from time to time. But I remain deeply grateful to this great institution for its fairness ; its eager anxiety to serve the public ; its concern to observe, and if possible to improve, the best traditions of journalism. And I would not like to leave India without paying this public tribute to it, and to that hard working body of intelligent and able men by whom India is so well served in the Press.

In a few weeks now I shall hand over the reins of office to my successor. In Field-Marshal Viscount Wavell India will have as Viceroy one who has proved himself through a long and glorious career one of the great leaders of men in the field ; and one of the outstanding soldiers of our time. But you will find in him also, and this I can say from personal experience of two years of close, intimate and most friendly collaboration, and understanding, wise and sagacious statesman ; a man of sound political sense and judgment ; a leader of courage and tenacity, whose wide human sympathy, whose affection for India and whose profound interest in her problems is well-known. In the difficult days that lie ahead—for the problems of peace are no less exhausting and complex than the problems we have had to face in the war—his ripe experience, his fresh and up-to-date knowledge of India and his sincerity and openness of mind will be of a value to this country that cannot be overstated.

I cannot leave you today, Gentlemen, without in conclusion paying a tribute to the spirit of the people of India, whether British India or the Indian States ; to the confidence, enthusiasm and courage which they have shown through four years of a devastating and exhausting war, and to the cheerful readiness with which they have borne the many burdens that total war involves and the privations and hardships inseparable from it. Theirs has been a great achievement on the home front, as well as in the field, and one on which India will look back with pride and the world with admiration.

I would like, too, to say a word of sincere and heartfelt thanks to the personnel of all the Services in this country. To them is due great credit for all that they have done to maintain law and order, to deal with the innumerable problems of administration that war throws up, to grapple with the vital tasks that fall to be discharged by them in the interests of the people of India as a whole. Without their loyal, unflinching, and self-sacrificing public work, the administration of the country could not have been carried on, or India have made the contribution that she has so proudly and so gladly made to the victory of the Allied cause.

Gentlemen, I will keep you no longer. I thank you most warmly for the attention with which you have listened to me today. My best good wishes go to you, both individually, and as a Central Legislature, for the future, and my most cordial gratitude for all the work that I have been privileged to see you perform during my term of office, and for that public spirit that has so consistently marked your conduct of affairs. (*Applause.*)

THE
COUNCIL OF STATE DEBATES
(OFFICIAL REPORT OF THE FOURTEENTH SESSION OF THE FOURTH
COUNCIL OF STATE)

VOLUME II, 1943

COUNCIL OF STATE.

Monday, 2nd August, 1943.

The Council met in the Council Chamber of the Council House in New Delhi at Three of the Clock, being the First Day of the Fourteenth Session of the Fourth Council of State, pursuant to section 63D (2) of the Government of India Act. The Honourable the President (the Honourable Sir Maneckji Byramji Dadabhoy, K.C.S.I., K.C.I.E., LL.D., Bar.-at-Law), was in the Chair.

MEMBERS SWORN :

His Excellency General Sir Claude John Eyre Auchinleck, G.C.I.E., C.B., C.S.I., D.S.O., O.B.E., A.-D.-C. (Commander-in-Chief).
The Honourable Sir Satyendra Nath Roy, C.S.I., C.I.E. (War Transport Secretary).
The Honourable Major-General Ernest Wood, C.I.E., M.C. (Food Secretary).
The Honourable Mr. Hugh Tufnell-Barrett, C.I.E. (Labour Secretary).
The Honourable Mr. John Henry Burder (Bengal Chamber of Commerce).

QUESTIONS AND ANSWERS.

WAR SITUATION.

1. **THE HONOURABLE RAJA YUVERAJ DUTTA SINGH :** Will Government make a statement regarding the war situation with special reference to the achievements of the Indian troops in the different theatres of war subsequent to the statement made in this House in the last session in answer to a question of mine ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : I understand, Sir, that there is a general desire among Honourable Members that there should be a discussion of the war situation during the current session of the Council of State. On the understanding that you, Sir, would be prepared to issue directions in the sense of those issued in connection with the secret session held on the 26th March, 1942, Government will be glad to arrange for the discussion of the war situation on a formal motion to be moved at a secret meeting to be held in the course of the current session. If this arrangement is made, a full statement on the war situation will be made by me in the course of the debate and in the circumstances I do not propose to make a statement on this occasion.

EXPENDITURE INCURRED ON THE EASTERN GROUP SUPPLY COUNCIL.

2. **THE HONOURABLE RAJA YUVERAJ DUTTA SINGH :** What is the total amount of expenditure incurred by India over the Eastern Group Supply Council ; and what particular results beneficial to India have accrued as a result of this expenditure ?

THE HONOURABLE MR. C. M. G. OGILVIE : The total expenditure incurred upto March, 31st, 1943, was Rs. 5,61,065. India benefited from the general activities of the Council which enabled it to obtain some of its urgent war requirements from the other Eastern Group Countries and resulted in large orders being placed on India on behalf of other Group Countries and the Central Provision Office, with consequential benefit to the output of Indian industry.

INFORMATION OFFICER OF THE AGENT GENERAL FOR INDIA IN WASHINGTON.

3. **THE HONOURABLE RAJA YUVERAJ DUTTA SINGH :** (a) Have Government received any report from Mr. Hennessy, or his associates, in connection with the propaganda work done by them in U. S. A. ? If so, will a copy of it be put in the Library of the House ? If not, why not ?

(b) Is it a fact that a publication called *India and the Aggressors : the trend of Indian opinion between 1935-40* has been received from the propaganda office in the U. S. A. ? If so, will a copy of it be placed in the Library to enable

Honourable Members to judge for themselves the value of the propaganda for which India has to incur expenditure ?

THE HONOURABLE SIR MAHOMED USMAN : (a) If the Honourable Member means a formal report or review, then no such report has been received ; but, of course, the Government of India is kept informed from time to time of the activities of the Information Officer of the Agent General for India in Washington. These communications are for departmental use and cannot properly be placed in the Library of the House.

(b) The Honourable Member has been misinformed. *India and the Aggressors* was compiled and printed by the Bureau of Public Information early in 1942. It is a factual compilation of views on the international situation expressed in India between 1935 and 1940 and is intended primarily as a book of reference for the Department of Information and Broadcasting.

In view of this reply the second part of the question does not arise.

U. T. C., BENARES UNIVERSITY.

4. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH : Is it a fact that Government have asked the Benares Hindu University to discontinue their U. T. C. activities ; and if so, why ? Have similar instructions been issued to other institutions also ? If so, to whom ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : The Benares University Company of the 1st United Provinces Battalion, University Training Corps was disbanded in January of this year. The unit had got into an unsatisfactory condition and certain members of the University Training Corps actively participated in the Congress disturbances of 1942 ; further enquiries have shown that there was widespread sympathy amongst the members of this unit with those persons whose object was to interfere with the maintenance of Law and Order. The Karachi University Training Corps has also been disbanded.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Are Government aware that whatever the situation might have been last year, the situation in the Benares University this year is normal and that the University is anxious that the U. T. C. should be re-started there ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : The reconstitution of these Companies is under consideration.

OBSERVATIONS OF THE FEDERAL COURT IN THE TALPADE CASE.

5. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH : (a) Has the attention of Government been drawn to the following observations made by the Federal Court of India on the 22nd April, 1943, holding the Defence of India Rule 26 invalid, in a Bombay case in which the appellant was one Keshar Talpade :—

“ We express the earnest hope that greater care may be taken hereafter to secure that powers of this extraordinary kind which may affect and indeed have affected, the liberty of so many of the King's subjects in India, may be defined with greater precision and exactitude, so as to reduce to as small a compass as possible the risk that persons may find themselves apprehended and detained, without a legal warrant. We also desire to draw the attention of those who have the power of making orders of detention to what we have thought it right to say with regard to the obligations which lie on them, to specify as clearly and accurately as they can, the true grounds on which the order is made ” ?

(b) Is it a fact that about 8,000 persons, including Mahatma Gandhi and members of the Congress Working Committee, are under detention under rule 26 of the Defence of India Rules ?

(c) In view of the above observations, and the finding of the Federal Court, what steps have been taken to release those in detention or regularise the procedure and to make amends for what has been judicially held to be illegal detention ?

THE HONOURABLE MR. E. CONRAN-SMITH : (a) Government have studied the judgment which, they find, does not contain the second of the two sentences quoted in the question.

(b) Some 11,700 persons, including Mr. Gandhi and the members of the Congress Working Committee, were in detention on June 1st the latest date for which figures are available.

(c) I would invite the Honourable Member's attention to Ordinance No. XIV of 1943.

THE HONOURABLE MR. P. N. SAPRU: May I ask which is the sentence referred to by the Honourable Mr. Conran-Smith as not being in the judgment of the Federal Court?

THE HONOURABLE MR. E. CONRAN-SMITH: The second sentence, Sir, in the question. "We also desire to draw the attention of those who have the power of making orders, etc." That sentence does not appear in the judgment as reported.

POST-WAR RECONSTRUCTION PLANS.

6. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH: Will Government state the main features of their plan for post-war reconstruction work, if they have evolved any, and the agency or the Committee to which the examination and execution of the scheme is to be entrusted?

THE HONOURABLE SIR J. P. SRIVASTAVA: The various Departments of the Government have initiated action to collect the data required for the formulation of post-war schemes and plans and the machinery set up in June, 1941 to deal with reconstruction problems has now been strengthened by the appointment of the Reconstruction Committee of the Viceroy's Executive Council with His Excellency the Viceroy as President. This Committee will decide all questions of policy relating to reconstruction. It will be assisted by Policy Committees of officials and non-officials as well as Official expert Committees which will examine the data collected and prepare schemes and plans in accordance with the decisions of the Committee of Council.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: How often has the Reconstruction Committee of the Executive Council met since it was constituted?

THE HONOURABLE SIR JWALA PRASAD SRIVASTAVA: Speaking from memory, Sir, it has met about three or four times since its constitution.

INSTITUTE OF PACIFIC RELATIONS.

7. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH: Will Government state whether any plan or recommendation has been adumbrated by the Institute of Pacific Relations regarding the solution of the Indian problem and its future constitution? If so, will Government make a statement regarding the specific points dealt with; and the decision, if any, arrived at by the Government of India or His Majesty's Government in this connection?

THE HONOURABLE SIR MAHOMED USMAN: With reference to the first sentence of the question, Government understand that various proposals were discussed at an informal Round Table held under the auspices of the Institute of Pacific Relations at the conference convened at Mont Tremblant in December, 1942. The charter of the Institute, however, lays down that the Institute, as such, may not advocate policies or doctrines, and is precluded from expressing opinions or passing resolutions on national or international affairs. The conference was moreover private and its discussions were not reported by the press.

Having regard to the above the answer to the first part of the second sentence of the question must be in the negative, and the second part of the second sentence does not arise.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Are Government aware that the Summaries of the proceedings of the last Conference held under the auspices of the Institute of Pacific Relations have been published both in the Indian papers and in the papers published under the auspices of the Institute?

THE HONOURABLE SIR MAHOMED USMAN: I am thankful to the Honourable Member for the information, Sir.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Are Government aware of that or not?

THE HONOURABLE SIR MAHOMED USMAN: I must ask for notice, Sir.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: The same question was asked in the last Session and the Honourable Member wanted notice. Evidently he has not informed himself on the subject.

THE HONOURABLE SIR MAHOMED USMAN: I asked for notice, Sir, was it given?

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : The question having been put, I thought he would acquaint himself with the subject.

THE HONOURABLE THE PRESIDENT : The Honourable Member said he wanted notice. The Honourable Member should give notice.

BUDGET SPEECH OF THE CHANCELLOR OF THE EXCHEQUER.

8. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH : (a) Has the attention of Government been drawn to the speech of the Chancellor of the British Exchequer, Sir Kingsley Wood in presenting the British Budget to Parliament, about the 12th April, 1943, in the course of which he stated that " India had become a major arsenal for war materials for the Middle East. The greater part of the additional cost of India, and of the defence outside her frontiers fell upon Britain which meant that a financial situation of some difficulty was being created for Britain in the future " ?

(b) In view of the above are Government now in a position to make a definite and detailed statement of the financial allocation of War expenditure between Britain and India with special reference to the defence outside the frontiers of India, the cost of which would fall upon the British Exchequer ?

THE HONOURABLE MR. C. E. JONES : The question is dealt with in detail in the last Budget Speech.

OPENING OF THE MEDITERRANEAN TO ALLIED SHIPPING AS A RESULT OF THE VICTORY IN TUNISIA.

9. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH : Will Government state whether as a result of the Tunisian victory, the Mediterranean Sea is now open to Allied cargo and passenger shipping between England and India ; and if so, will Government give such details of the shipping situation with special reference to fares and freight charges as it may be possible to give without divulging secret information to the enemy ?

THE HONOURABLE MR. N. R. PILLAI : It is not practicable in present conditions to give details of the routes that may be followed by shipping, but the general policy is to use the shortest route consistent with the pursuit of the common war effort. Fares and freights have not been adjusted in the past to take account of diversions due to war, and no revision of rates is contemplated at the present time.

ACTIVITIES OF THE UNITED KINGDOM COMMERCIAL CORPORATION.

10. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH : (a) Has the attention of Government been drawn to the speech of Sir Francis Joseph, Chairman of the United Kingdom Commercial Corporation, London, at a luncheon given by Sir Ramaswami Mudaliar, in the course of which he stated that " With the help of the Government of India " the Corporation had exported large quantities of Indian wheat, cotton piece-goods and cement to Persia ; Turkey received Indian iron and steel, cotton yarns and jute bags ; and a long list of commodities all for prompt delivery and in very large quantities were supplied to Russia from India (*vide* the *Pioneer*, dated the 29th May, 1943) ?

(b) Will Government state the tonnage of the above mentioned and other articles supplied from India to the different countries through the United Kingdom Commercial Corporation ; and the sort of help given by the Government of India and referred to by Sir Francis Joseph in his speech ?

(c) Besides the United Kingdom Commercial Corporation, was any Indian industrial concern allowed to operate in the export of any articles to the above countries ? If so, which were such Indian firms or concerns and what were the different kinds and quantities of articles exported by them to the different countries ?

THE HONOURABLE MR. N. R. PILLAI : (a) Yes. Government have seen a press report of the speech.

(b) The figures asked for are not available, but as stated in reply to the Honourable Member's question No. 76 on the 22nd March, 1943, the Corporation's activities in India consist, as to some 90 per cent. in arranging inter-governmental supplies for Russia. The Corporation's share in India's export trade with other countries is insignificant, ranging from .03 per cent. in the case of Iraq to 5.7 per cent. in the case of Persia. A detailed statement showing the Corporation's share in the trade with each Middle East country is laid on the table. The circumstances

in which certain shipments were made to Persia in 1941 are explained in a Press Note issued on the 6th August, 1942, of which copies are available in the Library of the House. That Note also indicates the nature of the assistance given by Government to the Corporation. The supply of steel, jute manufactures, cotton yarn and piecegoods to Turkey was in reality arranged by the Supply Department on behalf of the Turkish Government, though the United Kingdom Commercial Corporation was entrusted with the arrangements for shipment of the goods.

(c) Supplies to Russia which are of the nature of inter-governmental transactions are handled exclusively by the United Kingdom Commercial Corporation. With regard to other countries, the position is that, except for the relatively small share of the trade held by the Corporation, exports are mainly handled by established exporters of whom a very large number are Indians. No separate record is, however, maintained of exports made by Indian concerns.

| Country to which exported. | Percentage share of the U. K. C. C. in the total export trade to the countries specified during 1942-43. | Country to which exported. | Percentage share of the U. K. C. C. in the total export trade to the countries specified during 1942-43. |
|-------------------------------|--|---------------------------------------|--|
| Saudi Arabia | 2.9 | Aden | 0.1 |
| Egypt | 2.4 | Port Sudan | 0.4 |
| Palestine and Syria | 1.3 | Turkey | 3.3 |
| Iraq | 0.03 | Other Middle East Countries | Negligible (total value about Rs. 2.7 lakhs). |
| Persia | 5.7 | | |

EXPORTS OF FOODGRAINS AND OTHER COMMODITIES TO TUNISIA.

11. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH: Will Government state whether foodgrains and other commodities from India have been exported to Tunisia since the Allied victory in that country? If so, what commodities have been exported, and to what extent?

THE HONOURABLE MR. N. R. PILLAI: The answer is in the negative.

SUGAR FACTORIES IN NORTH BIHAR, ETC.

12. THE HONOURABLE MR. G. S. MOTILAL: (a) Are there sugar mills at Narkatiaganj (North Bihar), Sadhuganj (North Bengal), Motihari (North Bihar), and Belapur in the Bombay Presidency?

(b) Is it a fact that mills outside these places have been ordered by the Government Sugar Controller to send sugar to these stations?

(c) If so, what quantity of sugar was sent or ordered to be sent to these places and for what reasons?

(d) Which outside mills have been ordered to send sugar to these places and what distances of transport did it involve?

MAJOR-GENERAL THE HONOURABLE E. WOOD: (a) Sugar factories exist at Narkatiaganj, Motihari and Belapur but not at Sadhuganj.

(b) The Sugar Controller for India is not ordering sugar to be sent to the places specified in part (a) of the question. The internal distribution of sugar, within a province, is the responsibility of the Provincial Governments.

(c) and (d). The Central Government have no information.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Will they obtain the necessary information?

MAJOR-GENERAL THE HONOURABLE E. WOOD: Yes, Sir.

EXPORTS OF SUGAR AND TEXTILES.

13. THE HONOURABLE MR. G. S. MOTILAL: (a) In what quantity sugar and textiles were exported from India during each of the last three years?

(b) Is it a fact that the exporters have made huge profits over the exported articles?

(c) Is it a fact that their profits escape full taxation on incomes?

(d) Do Government propose to restrict export of these articles to outside places? If so, to what specific quantities?

THE HONOURABLE MR. N. R. PILLAI: (a) Figures of exports, in so far as they are not confidential are given in the monthly publication, *Accounts relating to*

Note.—Questions against the Hon. Mr. G. S. Motilal were put by the Hon. Pandit Hriday Nath Kunzru.

the Sea Borne Trade and Navigation of British India, copies of which are available in the Library of the House.

(b) Government have no definite information but it is possible that owing to the inflationary conditions prevailing in some of the importing countries, the margin of profit accruing to exporters in India has in certain cases been excessive.

(c) Government have no reason to believe that exporters escape taxation on any part of their profits which is taxable.

(d) Restrictions already exist in regard to exports of a wide range of articles, including the commodities mentioned. The quantities which may be exported are determined in the light of supply and other considerations and necessarily vary from time to time.

NUMBER OF PRISONERS DETAINED ON THE DATE THAT RULE 26 OF THE DEFENCE OF INDIA RULES WAS DECLARED INVALID BY THE FEDERAL COURT.

14. THE HONOURABLE MR. P. N. SAPRU : Will Government state (a) the total number of persons detained in India under rule 26 of the Defence of India Rules on the date that rule was declared invalid by the Federal Court; and (b) the number, if any, released in pursuance of that Court's judgment before the validation of rule 26 by a new Ordinance?

THE HONOURABLE MR. E. CONRAN-SMITH : The Honourable Member appears to be under a misapprehension regarding the effect of the ruling of the Federal Court to which he refers. The ruling disclosed a discrepancy between the wording of Defence of India Rule 26 and the wording of the rule-making power in the Defence of India Act, as a result of which the rule was held to be *ultra vires* of the Act. This did not mean that all persons detained under the rule were to be automatically released and the technical flaw was corrected at once by the Validating Ordinance referred to by the Honourable Member. I have no information of the exact number of persons in detention on the date that the rule was declared *ultra vires* by the Federal Court, nor regarding the number of persons released from detention in pursuance of this ruling and before the issue of the Validating Ordinance; but I have shown that it was not a necessary consequence of the ruling that any of them should be so released.

THE HONOURABLE MR. P. N. SAPRU : If the rule was invalid on the date that the Federal Court judgment was passed how can their detention on that date be said to be valid?

THE HONOURABLE THE PRESIDENT : This is an argument.

THE HONOURABLE MR. P. N. SAPRU : The question arises out of what Mr. Conran-Smith has said.

THE HONOURABLE THE PRESIDENT : That is your argument. You may differ from the Honourable Member, I quite understand that, but that does not —.

THE HONOURABLE MR. P. N. SAPRU : I will put it in a different way. Am I to infer from what the Honourable Mr. Conran-Smith says, that in the opinion of Government, the persons detained on the date on which the Federal Court judgment was pronounced were validly detained?

THE HONOURABLE MR. E. CONRAN-SMITH : I do not think that question really arises, Sir. I have told the Honourable Member that the technical flaw was put right by a validating Ordinance and whether those persons were legally detained —or not, as is apparently the Honourable Member's view,— their detention was validated by a validating Ordinance.

THE HONOURABLE MR. P. N. SAPRU : May I put it like this? Is it or is it not a fact that on the date on which the Federal Court judgment was passed those men were illegally detained?

THE HONOURABLE THE PRESIDENT : May I ask Mr. Conran-Smith whether the matter is not *sub judice* at present?

THE HONOURABLE MR. E. CONRAN-SMITH : There is an appeal before the Federal Court, Sir.

THE HONOURABLE THE PRESIDENT : Then you cannot ask any more questions about this.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Sir, the matter that is before the Federal Court relates to the validity of the new Ordinance passed

by the Governor General to which Mr. Conran-Smith has referred and not to rule 26 to which the question refers.

THE HONOURABLE THE PRESIDENT : But it involves rule 26 and therefore until the matter is decided by the highest Court of Justice we cannot discuss about it.

NUMBER OF PERSONS TRIED UNDER THE SPECIAL CRIMINAL COURTS ORDINANCE AND NUMBER SENTENCED TO DEATH OR TRANSPORTATION FOR LIFE.

15. THE HONOURABLE MR. P. N. SAPRU : (i) Will Government state the total number of persons tried under the Special Courts Ordinance No. 2 of 1942 by Special Courts in (a) the Centrally Administered Areas and (b) the various provinces of India ?

(ii) Will Government further state the number of people sentenced to death or transportation for life under these Ordinances ?

THE HONOURABLE MR. E. CONRAN-SMITH : I have no information regarding the number of persons tried under the Special Criminal Courts Ordinance. The number of persons convicted under that Ordinance up to the 30th April, 1943 was—

(a) in Chief Commissioners' Provinces—549.

and (b) in other Provinces—23,161.

I have no information as to the number of persons sentenced to death or to transportation for life under that Ordinance.

NUMBER OF MARTIAL LAW PRISONERS SENTENCED TO WHIPPING IN SIND.

16. THE HONOURABLE MR. P. N. SAPRU : Will Government state the total number of martial law prisoners sentenced to whipping during the administration of martial law in Sind ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : The total number sentenced to whipping was 530, but of these 19 only were whipped and the remainder caned.

THE HONOURABLE MR. P. N. SAPRU : Is it the suggestion of His Excellency that caning is not whipping ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : Caning is different to whipping. Caning is done with a very light cane and strokes vary from four to ten. Whipping is a much more serious punishment.

INTERVIEWS, CORRESPONDENCE, ETC., OF SECURITY PRISONERS.

17. THE HONOURABLE MR. P. N. SAPRU : Will Government state the amenities, if any, afforded to security prisoners under the Defence of India Rules, of (a) having interviews with relatives and friends, (b) correspondence with their relatives and friends regarding domestic matters, and (c) the allowance, if any, paid to such detenues for the maintenance of their dependants ?

THE HONOURABLE MR. E. CONRAN-SMITH : Security prisoners detained in Chief Commissioners' Provinces are governed in respect of matters (a) and (b) referred to by the Honourable Member by the provisions of the Central Government Security Prisoners Order, 1942, modified in certain respects as regards Congress security prisoners by orders of the Government of India, dated 5th September, 1942. Under these latter orders, until recently Congress security prisoners were not allowed interviews, but were permitted to write two and receive four letters per week, provided that the correspondence was restricted to members of the family on personal and domestic matters. A limited number of interviews with members of their families is now going to be allowed. Copies of the Central Government Security Prisoners Order have already been placed in the Library of the House. The ordinary rule regarding allowances to the families of Central Government's security prisoners is that they may be granted when it is established that the detention of the person in question has deprived him of a legitimate source of income or that the family is in real need of assistance. A somewhat stricter standard is applied in the case of persons detained in connection with the Congress rebellion. The Honourable Member will realise that it would be impossible for me within the limits of an answer to a question to give details of the treatment in these respects of all the different classes of security prisoners in all the different provinces. All I can say, broadly speaking, is that provincial practice generally follows Central practice, although there are a number of minor variations, and that the Government of India are endeavouring to secure a greater measure of uniformity in important matters.

THE HONOURABLE MR. P. N. SAPRU : How many of the Congress security prisoners are receiving allowances for the maintenance of their dependants ?

THE HONOURABLE MR. E. CONRAN-SMITH : I am afraid I must ask for notice of that question, Sir.

THE HONOURABLE SIR DAVID DEVADOSS : Is it a fact that legal practitioners who have been detained are prevented from corresponding with their clients as regards their cases ?

THE HONOURABLE MR. E. CONRAN-SMITH : Is the Honourable Member referring to the Governors' Provinces or the Chief Commissioners' Provinces ?

THE HONOURABLE SIR DAVID DEVADOSS : I am referring to Madras.

THE HONOURABLE MR. E. CONRAN-SMITH : I am afraid I cannot give any information on that point.

THE HONOURABLE MR. P. N. SAPRU : Is it a fact that in the United Provinces prisoners detained under the Defence of India Act have been disallowed from communicating with their legal advisers for purposes of questioning the validity of their arrest ?

THE HONOURABLE MR. E. CONRAN-SMITH : I have already informed the Honourable Member that I am not in a position to answer questions in detail about the practice in the various provinces.

THE HONOURABLE MR. P. N. SAPRU : Will the Honourable the Home Secretary find this out from the United Provinces Government—that there have been cases where a security prisoner or a person detained under the Defence of India Act has been refused permission to contact with a legal practitioner for purposes of legal advice in regard to the validity of his detention ?

THE HONOURABLE MR. E. CONRAN-SMITH : I shall be pleased to consider the Honourable Member's request.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : When the Honourable Member referred in the course of his reply to the correspondence of Congress security prisoners with their relatives on strictly personal and domestic matters, did he refer only to the Chief Commissioners' Provinces, or to the whole of India ?

THE HONOURABLE MR. E. CONRAN-SMITH : My answer related strictly to Chief Commissioners' Provinces ; but I have made it clear in the latter part of my reply that we are in correspondence with Provincial Governments with a view to securing uniformity of practice on several of the more important matters, of which that is one.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : What I am anxious to know is whether the Honourable Member gave the impression that in all provinces Congress security prisoners were allowed to correspond with their relatives on personal and domestic matters.

THE HONOURABLE MR. E. CONRAN-SMITH : I did not intend to give that impression. My answer related strictly to Chief Commissioners' Provinces.

**COMMUNICATION FROM MR. GANDHI REGARDING AUGUST RESOLUTION OF THE
CONGRESS WORKING COMMITTEE.**

18. THE HONOURABLE MR. P. N. SAPRU : Has Government received any communication regarding the August resolution of the Congress Working Committee from Mahatma Gandhi ? If so, what is its nature ?

THE HONOURABLE MR. E. CONRAN-SMITH : Government are not prepared to disclose the nature or contents of communications received from Mr. Gandhi so long as he remains subject to the restrictions of which the public are already aware.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Is it a fact that Mahatma Gandhi has asked the Home Department to correct the rumour that he has unconditionally withdrawn the resolution passed by the All-India Congress Committee in August last ?

THE HONOURABLE MR. E. CONRAN-SMITH : Sir, I think my answer comprehensively covers that question. I said that Government were not prepared to disclose the nature or contents of communications received from Mr. Gandhi, whether addressed to the Home Department or to anybody else.

THE HONOURABLE MR. P. N. SAPRU : Why then did Government release the correspondence between Mahatma Gandhi and Lord Linlithgow at the time of the Gandhi fast ?

THE HONOURABLE MR. E. CONRAN-SMITH : Government must be the judges of the question whether in the circumstances of the moment publicity for any particular communication is necessary or desirable.

THE HONOURABLE MR. P. N. SAPRU : Why did Government release the information to the public that Mahatma Gandhi had written to Mr. Jinnah a certain letter?

THE HONOURABLE MR. E. CONRAN-SMITH : Because, in the words which I have just used, Government considered it necessary or desirable.

RELEASE OF MR. GANDHI AND MEMBERS OF THE CONGRESS WORKING COMMITTEE.

19. THE HONOURABLE MR. P. N. SAPRU : Will Government state whether it is aware that there is a strong desire in the country that in order to facilitate ending of the Indian deadlock, Mahatma Gandhi and other members of the Congress Working Committee should be released, so that they might review the situation *de novo*? Will Government state whether it proposes to respond to this desire?

THE HONOURABLE MR. E. CONRAN-SMITH : The Government have already made known the conditions on which they would be prepared to consider the release of the persons referred to, and these conditions remain unfulfilled.

RELATIONS BETWEEN THE PERSONNEL OF THE INDIAN ARMY AND THE DEFENCE FORCES OF THE UNION OF SOUTH AFRICA.

20. THE HONOURABLE PANDIT. H. N. KUNZRU : (a) Was the position of K.C.I.Os. and I.C.Os. with reference to the South African troops where the latter happened to be working side by side with Indian troops discussed some time ago between the Government of India or His Majesty's Government and the Union Government?

(b) If so, was it decided that if the exigencies of the war rendered it necessary that either an Indian or a South African should command both Indian and South African troops, the joint commander would invariably be a South African even though he might be a private?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : (a) So far as the relations between personnel of the Indian Army and the Union Defence Forces are concerned, no such discussions have taken place.

(b) Does not arise.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : What is the present position? Suppose Indian and South African troops serve together and it is necessary that both of them should be commanded by the same officer; what would happen under the present rules and regulations?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : Well, I am afraid I do not know. These things have a habit of settling themselves in battle, and they generally settle themselves to the mutual advantage of all concerned. There is no rule, and, so far as I know, in my experience, no need for a rule has arisen; and, if I may say so, I hope it never will arise.

PURCHASING AGENTS FOR FOODGRAINS FOR CIVIL AND MILITARY PURPOSES.

21. THE HONOURABLE PT. H. N. KUNZRU : Will Government place on the table a list of the Purchasing Agents for food-grains for civil and military purposes appointed by the Government of India or the Provincial Government in each province?

MAJOR-GENERAL THE HONOURABLE E. WOOD : A list is placed on the table.

Assam.—Steel Brothers.

Bengal.—Messrs. M. M. Ispahani, Ltd.

Bihar.—Purchases made through Trade Adviser to the Government of Bihar—Lala Gurusaran Lal.

Bombay.—Country Rice Merchants' Association, Bombay. Another firm recently appointed—name not known.

C. P. and Berar.—Purchases made through Government agency.

Madras.—Purchase made through Government agency.

N.-W. F. P.—Messrs. Owen Roberts, Ltd.

Orissa.—Information not available.

Punjab.—(1) Messrs. S. Gopal Singh Hira Singh; (2) Messrs. Dhanpatmal Jawaladas; (3) The Central Purchasing Agency; (4) The Northern India Zamindara Syndicate, Ltd.; (5) Sh. Mohd. Ismail Maula Bakhsh & Co.; and (6) Messrs. Owen Roberts & Co., Ltd.

Sind.—Purchases made by two syndicates, one for wheat and other for the remaining food-grains. The first is comprised of flour milling interests only and the second, known as the Food Grains Exporters' Syndicate, are members of the grain trade.

U. P.—(1) Messrs. Kashi Ram Kanhaya Lal of Cawnpore and (2) Messrs. Owen Roberts & Co., Ltd., Lahore. Also other local agents for local purchases whose names are not available. Foodgrains for Defence Services.—Messrs. Owen Roberts & Co., Ltd., Lahore.

NUMBERS OF SOUTH AFRICANS AND AUSTRALIANS IN THE CIVIL AND MILITARY SERVICES.

22. THE HONOURABLE PT. H. N. KUNZRU : What is the total number of South Africans and Australians, respectively, in the (a) civil and (b) military services of India ?

THE HONOURABLE MR. E. CONRAN-SMITH : The information asked for is not readily available and its collection would involve an amount of time and labour the expenditure of which would not be justifiable in war time unless there were some specific purpose to be served thereby. I may, however, state, for the information of the Honourable Member, that there are seven Australians serving in the Royal Indian Navy and its reserves and 14 officers serving in the Indian Army who were transferred from the Australian Imperial Forces after the war of 1914-18.

THE HONOURABLE MR. P. N. SAPRU : What about the number of South Africans ? That is more important. How many South Africans are serving in the Indian Army, or in the Indian Navy, or in the Indian Civil Service ?

THE HONOURABLE MR. E. CONRAN-SMITH : I regret that I have no information on that point, and it would take a great deal of time and labour to write round to all provinces, and for the military authorities to collect from all units.

THE HONOURABLE MR. P. N. SAPRU : I hope the Honourable the Home Secretary will realise the depth of feeling against South Africa and will oblige us by collecting the necessary information for our purposes.

THE HONOURABLE MR. E. CONRAN-SMITH : That is not the function of the Home Department.

THE HONOURABLE MR. P. N. SAPRU : As the Honourable Member had taken upon himself the responsibility of answering this question, I thought he was dealing with it, and therefore I made the request to the Home Department. I make the request to whichever Department of the Government may be interested in this matter.

THE HONOURABLE MR. E. CONRAN-SMITH : The Honourable Member would not be justified in drawing that conclusion as regards the Home Department's responsibility. I answered the question about the Services, not about reciprocity.

THE HONOURABLE MR. P. N. SAPRU : I raised no question of reciprocity. I only said that in view of the feeling which the South African question had created, it was desirable that this information should be made available to us.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Why is it more difficult to obtain information with regard to South Africans than it is with regard to Australians ?

THE HONOURABLE MR. E. CONRAN-SMITH : I can only say that the reason is that information happened to be available about those particular Australians. May I say that there was no intention to give the Honourable Member only information about Australians and none about South Africans ? If I had had information available about South Africans, I should have been pleased to give that too to the Honourable Member.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Will it be difficult to collect the information which I have asked for, with regard to the number of Australians and South Africans in the Indian Civil Service ?

THE HONOURABLE MR. E. CONRAN-SMITH : It will mean writing round to provinces, and I hardly feel that is justified, unless, as I said in my answer, the Honourable Member can give a specific purpose for which the information is required.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : If the Honourable Member wants it, I may refer him to the Union pegging legislation and the Reciprocity Bill that is before the other House and will soon come here. I think he is aware of the fact that the Bill is being discussed in the other House, and that the Government are greatly interested in it ?

THE HONOURABLE MR. E. CONRAN-SMITH : I am well aware of it. I still maintain that collection of that information will involve a lot of time and labour. If, however, the Honourable Member presses me, I am quite prepared to consider it.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : I would certainly request the Honourable Member to be good enough to collect this information. It

may not be necessary in his opinion, but he realises the strong feeling on this point on this side of the House, and I hope he will respect it.

THE HONOURABLE MR. E. CONRAN-SMITH : The Honourable Member also realises that they are members of a Secretary of State's service ?

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : I quite realise that, and I am therefore all the more anxious to obtain the information.

THE HONOURABLE MR. E. CONRAN-SMITH : Very well ; I have no objection to writing round and asking for that information.

PAY AND ALLOWANCES OF BRITISH AND INDIAN OTHER RANKS SERVING IN THE MIDDLE EAST.

• **23. THE HONOURABLE PT. H. N. KUNZRU :** What are the (a) pay and (b) allowances of an Indian and a British soldier in India and the Middle East, respectively?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : I lay a statement on the table.

| <i>Comparative statement showing pay and allowances of British and Indian other ranks serving in Middle East.</i> | | | | | | | | | |
|---|---------------------|---------------------|---------|-----------------------|--------|-----------------|-------------------------|----------------|------------------|
| British other ranks. | | | | Indian other ranks. | | | | | |
| | Pay. | Colonial allowance. | Total. | | Pay. | G.S./Prof. pay. | Expatriation allowance. | Batta. | Total. |
| Sergeant | Rs. *140 | Rs. *10 | Rs. 150 | Havildar | Rs. 27 | Rs. + 2, 4 or 6 | Rs. 11 | Rs. 8 | Rs. †48, 50, 52. |
| Corporal | *115 | *6-10 | 121-10 | Naik | 24 | ‡ 2 or 4 | 11 | 8 † 45 or 47. | |
| Lance-Corporal | *105 | *6-10 | 111-10 | Lance Naik | 20 | § 1 or 3-8 | 7 | 5 † 33 or 35-8 | |
| Private after 3 years | *95 | *6-10 | 101-10 | Sepoy after 1 year. | 18 | 3-4 | 7 | 5 | 33-8 |
| Private after 2 years | *80 | *6-10 | 86-10 | Sepoy after 6 months. | 18 | 1 | 7 | 5 | 31 |
| Private after 1 year | *75 | *6-10 | 81-10 | Sepoy on enlistment. | 18 | ... | 7 | 5 | 30 |
| Private on enlistment | *60 | *6-10 | 66-10 | | | | | | |
| <i>Marriage (family) allowance. (In addition to above rates)</i> | | | | | | | | | |
| | Family in the U. K. | | | Family in India | | | Family in India. | | |
| | Wife + 1 child. | | | Wife + 2 children. | | | Wife + 2 children. | | |
| | Rs. | Rs. | Rs. | Rs. | Rs. | Rs. | Rs. | Rs. | Rs. |
| Sergeant, Corporal, Lance Corporal and Private | | | | | | | | | |

NOTE 1.—If the family is in India separation allowance at the following rates is also admissible in addition to the marriage (family) allowance :—

Sergeant.—3 annas per diem (Rs. 5-10 p. m.).

Corporal.—4 annas per diem (Rs. 8-7 p. m.).

Lance Corporal and Private.—6 annas per diem (Rs. 11-4 p. m.).

NOTE 2.—Families in India also receive free accommodation and allied services or compensation in lieu up to a maximum of Rs. 50 p. m.

| British other ranks. | | Indian other ranks. | |
|--|--------|---|--|
| In India. | Pay. | In India (Field Service Area). | as above excluding expatriation allowance. |
| Sergeant | 157-8 | | |
| Corporal | 129-6 | | |
| Lance Corporal | 118-2 | | |
| Private after 3 years | 106-14 | | |
| Private after 2 years | 90-0 | | |
| Private after 1 year | 84-6 | | |
| Private on enlistment | 67-8 | | |
| Marriage (family) allowance, etc., as above. | | In India (Peace Station). | |
| | | Same as above excluding expatriation allowance and batta. | |

*Converted at 18d. to a rupee.

†After 1, 2 or 3 years' service as N. C. O.

‡After 1 or 2 years' service as N. C. O.

§After 6 months' or 1 year's service.

||Converted at 18d. to a rupee.

NOTE.—No colonial allowance is admissible in India.

PAY AND ALLOWANCES OF BRITISH WARRANT OFFICERS AND SERGEANTS AND VICEROY'S COMMISSIONED OFFICERS.

24. THE HONOURABLE PT. H. N. KUNZRU : (a) What are the (i) pay and (ii) allowances of Viceroy's Commissioned Officers (Indian Army) and Sergeants and Warrant Officers (British Army) of different grades in India and the Middle East ?

(b) What are the relative positions of the V. C. O. and the Sergeant in respect of rank and power of command over mixed Indian and British troops ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : (a) I lay a statement on the table.

(b) Viceroy's commissioned officers have power of command only over persons subject to the Indian Army Act and not over persons subject to the Army Act. A British non-commissioned officer cannot exercise command over persons subject to the Indian Army Act, unless such persons are specially placed under his orders. I may add that orders exist that Viceroy's commissioned officers should not normally be placed under the command of a British warrant officer or a non-commissioned officer.

Comparative statement showing pay and allowances of British warrant officers and sergeants and Viceroy's commissioned officers.

| | British warrant officers and sergeants. | | | Middle East. | | | Viceroy's commissioned officers. | | |
|------------------------|---|---------------------|----------|--------------|---------------------|---------------|----------------------------------|---------------------|------------|
| | *Pay Rs. | *Col. allowance Rs. | *Tax Rs. | *Pay Rs. | *Col. allowance Rs. | *Tax Rs. | *Pay Rs. | *Col. allowance Rs. | *Tax Rs. |
| Warrant Officer, I | 260 | 13-5 | 278-5 | 13 | 255-5 | Subadar Major | 22 | 18 | 290 |
| Warrant Officer, II | 220 | 11-10 | 231-10 | ... | 231-10 | Subadar | 22 | 18 | 170-10-200 |
| Warrant Officer, III | 180 | 11-10 | 191-10 | ... | 160 | Jemadar | 14 | 11 | 100-5-125 |
| Sergeant after 3 years | 150 | 10 | 160 | ... | 150 | | | | ... |
| Sergeant | 140 | 10 | 150 | ... | 130-10 | | | | |
| Lance Sergeant | 130 | 6-10 | 136-10 | ... | | | | | |

* Converted at 1s/4 to the rupee.

When the warrant officer has a wife but no children.

No tax is levied if the warrant officer has a child children.

Marriage (family) allowance.

(In addition to above rates).

Wife in the P. K.

Wife, 1 child.

Wife, 2 children.

Wife, 3 children.

Wife, 4 children.

Wife, 5 children.

Wife, 6 children.

Wife, 7 children.

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GRANT OF LEAVE TO INDIAN TROOPS IN THE MIDDLE EAST.

25. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Are Government aware that there is general dissatisfaction among the Indian troops in the Middle East that though they have been serving overseas for two or three years they are unable, as a rule, to get leave even for urgent domestic reasons? Will Government take immediate steps to redress this legitimate complaint? Have they brought the urgency of the matter to the notice of His Majesty's Government and urged them to provide the shipping required to remove this grievance?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : I am not aware that there is general dissatisfaction among the Indian troops in the Middle East over their failure to get leave to India. During the last three years large numbers have come back to India on leave and on transfer in order to assist in the formation of new units in India. The total amounts to 7,000. In addition there have been many sick and wounded returned to India. There are a few men with longer service overseas who have not yet been able to obtain leave. The whole question is again under discussion with the authorities in the Middle East with a view to improving the present position and a representation will be made to His Majesty's Government, if necessary.

I should like to add, Sir, that this is a question which is always under my consideration and has been under my consideration for the last two or three years, whether I was in the Middle East or in India. It is a difficult one but it is not a question which is buried or lost sight of.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : With regard to the answer to the first part of the question, will His Excellency the Commander-in-Chief take it from me that there is general dissatisfaction among the troops owing to their inability to come back to India after serving there for two or three years? As His Excellency is aware, I was recently in the Middle East and I and the members of the Defence Consultative Committee who were there made inquiries specifically on this matter.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : Yes, I am sure that they did, and from my experience of soldiers overseas, I think they always would. But the actual rules are, so far as rules can be framed—and I am sure the Honourable Member will understand that rules framed to give leave to soldiers in war time cannot be hard and fast rules; they have to be administered according to the situation—from the Middle East, after two years' service, they try to send men away on leave to India up to a total of 6 per cent. of a unit, if the situation permits. These men get two months' leave to their homes. From Iraq they are eligible to leave after one year's service and they get one month's leave up to 3 per cent. of a unit. The rules are much the same though they vary in detail. In this year about 500 a month, that is to say, in this present year 3,000 up to the end of June have returned on leave from both these places. But, as I say, the matter is a difficult one, but it is continually under discussion.

THE HONOURABLE MR. P. N. SAPRU : What is the reason for the differentiation between the rule in regard to Iraq and the Middle East?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : The rule in Iraq differs only in degree from that in the Middle East. In the Middle East they are eligible for two months' leave after two years' service, whereas in Iraq and Persia they get one month's leave after one year's service. It comes to the same thing. It is easier in Iraq than in the other place.

RESULTS OF THE "GROW MORE FOOD" CAMPAIGN.

26. THE HONOURABLE MR. HOSSAIN IMAM : Will Government give the following figures about the results of "Grow More Food" campaign (a) the average production and consumption of rice of each province; (b) the last paddy crop of each province; (c) the amount of surplus or deficit from normal consumption of each province from last harvest; and (d) the amount of paddy and rice purchased up to 30th June, 1943 by or for the Government of India in each province?

MAJOR-GENERAL THE HONOURABLE E. WOOD : (a) and (b) A statement is placed on the table.

(c) Presumably the Honourable Member desires to know the extent of the carry over from the previous harvest. The information is not available.

(d) A statement is placed on the table.

Statement showing the quantities of rice and paddy purchased by or for the Government of India up to 30th June, 1943.

| (In tons). | | | | | |
|-----------------|--------|--------|--------------|---------------------|--------|
| Province. | Rice. | Paddy. | Province. | Rice. | Paddy. |
| Assam . . . | 31,397 | 3,078 | Madras . . . | 131,662 | .. |
| Baluchistan . . | 5,121 | .. | Orissa . . . | Exact informa- | .. |
| Bihar . . . | 4,959 | .. | | tion not available. | .. |
| Coorg . . . | | 15,807 | Punjab . . . | 15,156 | .. |
| C. P. and Berar | | | Sind . . . | 60,919 | .. |

| | Rice. | Rice. | Rice. |
|-----------------|----------------------|---------------------|----------------------|
| | Average consumption. | Average production. | Production, 1942-43. |
| | (In thousand tons) | (In thousand tons) | |
| Assam . . . | 1,790 | 1,797 | 1,622 |
| Bengal . . . | 8,866 | 8,802 | 6,916 |
| Bihar . . . | 3,243 | 3,052 | 3,252 |
| Bombay . . . | 1,512 | 1,030 | 927 |
| C. P. and Berar | 2,032 | 2,224 | 1,865 |
| Coorg . . . | 56 | 56 | 60 |
| Delhi . . . | 11 | Nil | Nil |
| Madras . . . | 5,359 | 4,581 | 4,575 |
| N.-W. F. P. . . | 6 | .. | .. |
| Orissa . . . | 1,341 | 1,527 | 1,247 |
| Punjab . . . | 318 | 320 | 384 |
| Sind . . . | 332 | 482 | 322 |
| U. P. . . | 2,216 | 2,011 | 1,840 |

WHOLESALE PRICES OF WHEAT AND RICE IN PRINCIPAL (CAPITAL) CITIES OF PROVINCES.

27. THE HONOURABLE MR. HOSSAIN IMAM : Will Government lay on the table a statement of the price of rice and wheat, in principal (capital) cities of each province on 31st December, 1942, 31st March, 1943 and 15th July, 1943 and give the reason for any marked rise ?

MAJOR-GENERAL THE HONOURABLE E. WOOD : A statement of prices, as far as available, is laid on the table. The rise in prices during the period was generally speaking the result of local shortage from various causes or of competitive buying.

Statement showing the wholesale prices of wheat and rice (coarse) in principal (capital) cities of each Province during the last week of the months December, 1942, March, 1943 and mid-July, 1943.

| (In Rupees per maund). | | | | | | | | |
|------------------------|---------------|-----------------|--------------|-------------|-----------------|--------------|-------------|--|
| Wheat. | | | | | Rice. | | | |
| Name of Province. | Name of City. | December, 1942. | March, 1943. | July, 1943. | December, 1942. | March, 1943. | July, 1943. | |
| Punjab . . | Lahore . . | 5 5 0 | 9 0 0 | 9 10 0 | N. a. | N. a. | N. a. | |
| Sind . . | Karachi . . | 6 4 0 | 6 4 0 | 7 11 0 | 7 0 0 | 7 4 0 | 9 8 0 | |
| Delhi . . | Delhi . . | 7 11 0 | 10 5 3 | 11 0 0 | 14 4 0 | 13 0 0 | 22 0 0 | |
| U. P. . . | Lucknow . . | 7 4 3 | 11 8 0 | 15 12 0 | 11 0 0 | 13 0 0 | 20 0 0 | |
| Bihar . . | Patna . . | 7 12 0 | 10 0 0 | 22 0 0 | 6 8 0 | 9 6 0 | N. a. | |
| Orissa . . | Cuttack . . | N. a. | N. a. | N. a. | 5 0 0 | 6 4 0 | 8 8 0 | |
| Bengal . . | Calcutta . . | 20 0 0 | 28 0 0 | 21 0 0 | (R)12 8 0 | (R)25 0 0 | (R)30 0 0 | |
| Assam* . . | Shillong . . | N. a. | N. a. | N. a. | 7 8 0 | 10 3 0 | 27 13 0 | |
| C. P. . . | Nagpur . . | 6 13 0 | 12 1 0 | 18 0 0 | 8 4 0 | 10 1 0 | 19 6 0 | |
| Bombay . . | Bombay . . | 6 14 0 | (R)12 0 0 | 13 1 0 | 8 11 10 | 8 11 10 | 10 5 3 | |
| Madras . . | Madras . . | 7 9 2 | N. a. | (R)13 5 0 | (C)6 14 5 | (C)7 6 6 | (C)9 2 6 | |
| Coorg . . | Mercara . . | 12 10 0 | N. a. | 20 8 0 | 8 0 0 | 7 10 0 | 9 8 0 | |
| Ajmer-Merwara. | Ajmer . . | 8 1 7 | (R)12 12 10 | (R)13 5 4 | (R)13 5 4 | (R)16 0 0 | (R)17 12 5 | |

N. a.—Not available. R.—Retail price. C.—Coconada price.

*Price relates middle of each month.

N.B.—Price quotations in Baluchistan and N.-W. F. P. are not available.

NUMBER OF CATTLE SLAUGHTERED FOR MILITARY REQUIREMENTS.

28. THE HONOURABLE MR. HOSSAIN IMAM : Will Government state the number of cattle slaughtered in the year 1942-43 (a) for prisoners of war, (b) Chinese army, (c) American forces, (d) British army stationed in India, (e) for export to countries outside India ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : (a) 62,000.

(b), (c) and (d) These are estimated at 2,16,000.

(e) No cattle are slaughtered for export outside the India command.

RATES AT WHICH BEEF WAS SUPPLIED BY CONTRACTORS FOR MILITARY REQUIREMENTS.

• **29. THE HONOURABLE MR. HOSSAIN IMAM :** Will Government lay on the table a statement giving the names of and rates at which beef was supplied by contractors on 30th June, 1943 ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : The information asked for is not readily available and its collection would involve an amount of time and labour that would not be justifiable in war time.

AVERAGE ANNUAL CONSUMPTION AND PRICE OF BEEF IN 1938-39.

30. THE HONOURABLE MR. HOSSAIN IMAM : Will Government state the average annual consumption and price of beef in the year 1938-39 by the Army in India ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : The annual consumption of beef in 1938-39 was 176,394 maunds and the average cost per maund was Rs. 7-4-6.

FUND FOR THE ECONOMIC DEVELOPMENT AND IMPROVEMENT OF RURAL AREAS.

31. THE HONOURABLE MR. HOSSAIN IMAM : (a) Will Government state (i) whether they have granted or contemplate to grant to the provinces the balance of Rural Development Fund ; and (ii) what was the total amount allotted to each province and spent by them up to 30th June, 1943 ?

(b) Do Government propose to request the provinces to expedite the disposal of this fund ; if not, what do they propose to do to help food production ?

THE HONOURABLE MR. C. E. JONES : (a) A statement showing the total allotments made to the provinces up to the 30th June, 1943 is placed on the table of the House. The balance with the Government of India is now only about Rs. 13 lakhs and this will be placed at the disposal of Provincial Governments as and when required by them. Figures of actual expenditure up to the 30th June, 1943 are not available as yet but are not likely to vary much from the allotment figures.

(b) The Provincial Governments are alive to the desirability of spending this money as expeditiously as possible and, as the outstanding amount is not large, Government do not consider it necessary to address them further. As the Honourable Member is aware, schemes financed from this Fund were sanctioned long before the food production drive started and could not be terminated abruptly at this stage without involving a waste of money and effort. The Government of India are assisting the " Grow More Food " campaign in the following ways :—

(a) A provision of Rs. 50 lakhs has been made in this year's budget to give grants-in-aid to the provinces to ensure that no sound scheme which holds promise of increasing the supplies of food quickly is held up owing to the inability or unwillingness of the provinces to finance it. Rs. 38,94,218 has been sanctioned up to date from this source.

(b) To secure an increase under food crops by reduction in the area under short staple cotton the Government of India have offered subsidies to the provinces and Indian States from the Fund for the benefit of cotton growers to assist the latter in diverting lands from short staple cotton to food crops. Rs. 14,96,146 has been sanctioned so far during the current year from this Fund for this purpose.

(c) Loans are being sanctioned on easy terms to the provinces to assist them in financing such schemes as distribution of seeds and manure at concession rates. The total amount of such loans sanctioned up to date is Rs. 86,71,700.

(d) An assurance has been conveyed to the cultivators that should the prices of foodgrains go below a reasonable level, the Government of India will be prepared to intervene and buy at a fair price all foodgrains offered to them in the open market during the war and for one year thereafter.

Fund for the economic development and improvement of rural areas.

| | Total grants earmarked to Provinces. | Total allotments made up till 30th June, 1943. | Balance available with the Government of India on 30 June, 1943. |
|--|--------------------------------------|--|--|
| | Rs. | Rs. | Rs. |
| Madras | 28,73,000 | 28,73,000 | .. |
| Bombay | 10,62,000 | 9,22,079 | 1,39,921 |
| Bengal | 34,00,000 | 33,96,000 | 4,000 |
| United Provinces | 32,00,000 | 31,99,996 | 4 |
| Punjab | 17,00,000 | 16,77,964 | 22,036 |
| Bihar | 21,68,000 | 14,45,000 | 7,23,000 |
| Central Provinces and Berar | 11,00,000 | 10,23,761 | 76,239 |
| North-West Frontier Province | 6,00,000 | 5,41,347 | 58,653 |
| Assam | 10,00,000 | 9,30,000 | 70,000 |
| Orissa | 7,09,000 | 6,31,188 | 77,812 |
| Sind | 4,38,000 | 2,80,198 | 1,57,802 |
| Delhi | 1,00,000 | 1,00,000 | |
| Ajmer-Merwara | 1,00,000 | 1,00,000 | |
| Coorg | 1,00,000 | 1,00,000 | |
| Total | 1,85,50,000* | 1,72,20,533 | 13,29,467 |

* Exclusive of Rs. 10 lakhs allotted to Burma.

IRRIGATION FACILITIES IN NON-CANAL AREAS.

32. THE HONOURABLE MR. HOSSAIN IMAM : What steps do Government propose to take to increase the irrigation facilities for non-canal areas under the "Grow More Food" campaign?

THE HONOURABLE SARDAR SIR JOGENDRA SINGH : With a view to increasing irrigation facilities in non-canal areas in connection with the "Grow More Food" campaign, the Central Government have obtained on loan from the Air Ministry in the United Kingdom the services of Flight Lieutenant Sir William Stamps, a former Chief Engineer of the United Provinces who was mainly responsible for the Ganges Valley Hydro-electric Tube-well Scheme. This officer is visiting provinces to advise and assist them in the formulation and execution of emergency irrigation projects designed to achieve quick results in the way of increased food production. During the short period of 2½ months that Sir William has been in this country projects have already been approved in the United Provinces and Bihar, with financial assistance from the Centre, for the construction of 200 new power operated tube-wells in the United Provinces within the Ganges Grid area and 76 in Bihar in the Patna-Bakhtiar-pur-Bihar-Ekangarsarai area. Apart from these tube-wells, projects for the provision of six Ganges riverside pumping sets and 12 river-bed percolation pumps energised by mobile generating sets have been sanctioned for Bihar. Other projects are under consideration, including proposals for drainage schemes and contour bunding.

SUB-HEADS UNDER WHICH THE GRANT FOR NATIONAL WAR FRONT WAS EXPENDED.

33. THE HONOURABLE MR. HOSSAIN IMAM : Will Government state the sub-heads under which the grant for National War Front was spent last year and is being spent this year, specially the following may be shown : amount of cost of (a) advertisement (if possible separately for English, Hindi, Urdu and other vernaculars); (b) headquarter staff; (c) provincial staff; and (d) New India Planning Groups?

THE HONOURABLE SIR MAHOMED USMAN : The figures are being collected and will be laid on the table of the House in due course. I may add that the New India Planning Groups are not part of the National War Front and no amount was spent on them out of the National War Front.

EXPORTS OF COTTON PIECEGOODS AND YARN BY THE UNITED KINGDOM COMMERCIAL CORPORATION.

34. THE HONOURABLE MR. HOSSAIN IMAM : Will Government state the quantity, if any, of cotton yarn and piecegoods exported by U. K. C. C. in the year 1942 and 6 months of 1943?

THE HONOURABLE MR. N. R. PILLAI : The United Kingdom Commercial Corporation exported two consignments totalling 345 bales of cotton yarn to

Palestine and Syria during April, 1942. They have not participated in the piece-goods and yarn trade since then.

COTTON FROM EGYPT AND UGANDA FOR COTTON MILLS IN INDIA.

35. THE HONOURABLE MR. HOSSAIN IMAM : What steps, if any, do Government propose to take to secure Egyptian and Uganda cottons for Indian mills at the same terms at which Manchester is receiving them ?

THE HONOURABLE MR. N. R. PILLAI : The matter is under consideration.

ACTIVITIES OF THE UNITED KINGDOM COMMERCIAL CORPORATION.

36. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH : (a) Is it a fact that as far back as September, 1941, the cotton textile industry of India asked the Government to ban exports which were rising at an abnormal speed, in order that large quantities of cloth might be available for consumption by the civil population of India ; but Government not only failed to put the ban, but permitted the exports to the extent of 1,000 million yards in 1942 ?

(b) Is it a fact that in consequence of this unrestricted export, together with the large requirements of the defence services, only about 1,800 million yards were left for consumption in India ?

THE HONOURABLE MR. N. R. PILLAI : (a) No such suggestion was received from the cotton textile industry either in September, 1941 or at any other time. On the contrary, when control was imposed in April, 1942 over exports of cotton piece-goods, spirited protests were made by Millowners Associations and other commercial bodies against that measure. With regard to the quantities exported, I regret I am not in a position to disclose the actual figures, but between the first quarter of 1942-43 and the first quarter of the current financial year, there has been a reduction of 52 per cent. in the quantum of exports.

(b) In the opinion of the Government of India the figure of 1,800 million yards for the quantity of cloth available for internal consumption in 1942 is an underestimate.

STATEMENTS, ETC., LAID ON THE TABLE.

THE HONOURABLE SIR MAHOMED USMAN (Posts and Air Member) : Sir, I re-lay on the table a copy of Notification issued by the Chief Commissioner of Ajmer-Merwara, No. F. 14-6-III, dated the 3rd February, 1943, amending the Ajmer-Merwara Motor Vehicles Rules, 1940.

ORDERS BY THE CHIEF COMMISSIONER, AJMER-MERWARA.

No. F. 14-6-III, dated the 3rd February, 1943.—The Chief Commissioner is pleased to make the following addendum to the Ajmer-Merwara Motor Vehicles Rules, 1940, published with his Notification No. 1141/34-W/38-III, dated the 12th June, 1940, the addendum having been previously published in this Administration's Notification No. F/14-6-III, dated the 14th November, 1942.

Chapter IV—Control of Transport Vehicles. For clause (c) of rule 4.18, substitute the following :—

“(c) that the carriage or service of carriages in respect of which the permit is granted shall carry mails at such rates as the Provincial Transport Authority may, in consultation with the Postal Authorities, fix in that behalf from time to time.”

THE HONOURABLE SIR MAHOMED USMAN (Posts and Air Member) : Sir, I lay on the table copies of—

(1) Notification issued by the Chief Commissioner of Coorg, No. A-3-54/43, dated the 5th May, 1943 amending the Coorg Motor Vehicles Rules, 1940 ;

(2) Notification issued by the Chief Commissioner, Delhi, No. F. 12 (8)/43-General, dated the 31st March, 1943 making a Rule under the Motor Vehicles Act, 1939 ;

(3) Notification issued by the Chief Commissioner, Delhi, No. F. 12 (8)/43-General, dated the 5th July, 1943, modifying the rule made under the Motor Vehicles Act, 1939 ;

(4) Statements showing the objects on which the Aviation share of the Petrol Tax Fund was expended during the years 1939-40, 1940-41, 1941-42, and 1942-43 as promised in reply to part (b) of short notice question No. 146, asked on the 28th August, 1934.

THE CHIEF COMMISSIONER OF COORG.

No. A-3-54/43, dated the 5th May, 1943.—In exercise of the powers conferred by section 68 of the Motor Vehicles Act, 1939 (IV of 1939) and the notification of the Government of India, Department of Communications, No. R. 60, dated the 28th June, 1939, the Chief Commissioner is pleased to make the following amendments to the Coorg Motor Vehicles Rules, 1940, issued with his notification No. R. F. 43/121-39, dated the 26th March, 1940 :—

Amendment.

After rule 53 (b) add the following :—

| | |
|---|-----|
| 53(c). The fee for the countersignature of a permit and for its renewal shall be— | Rs. |
| (i) for the countersignature of a permit— | |
| (a) for the 1st year of validity | 16 |
| (b) for every subsequent year | 8 |
| (ii) for the renewal of permit for every year of validity | 8 |

OFFICE OF THE CHIEF COMMISSIONER, DELHI.

No. F. 12 (8)/43-General, dated the 31st March, 1943.—In exercise of the power conferred by clause (f) in sub-section (2) of section 21 of the Motor Vehicles Act, 1939, read with the notification of the Government of India in the Department of Communications No. R. 60, dated the 28th June, 1939, the Chief Commissioner is pleased to make the following rule, the same having been previously published with his Notification No. F. 12 (8)/43-General, dated the 26th January, 1943

Rule.

If any person who on the 3rd day of September, 1939, held a licence to drive a motor vehicle issued under the Indian Motor Vehicles Act, 1914, or under section 7 of the Motor Vehicles Act, 1939, and has subsequently been employed on military service outside India applies at any time not later than six months after his release from military service for the renewal of the driving licence held by him under the Motor Vehicles Act, 1939, or for a new licence under that Act, he shall be exempt from liability to any fee therefor in excess of three rupees and shall also be exempt from any fee on account of any test of his competence to drive.

The foregoing rule shall continue in force until the expiry of twelve months after the end of the present war and shall then cease to have effect.

OFFICE OF THE CHIEF COMMISSIONER, DELHI.

No. F. 12 (8)/43-General, dated the 5th July 1943.—The Chief Commissioner is pleased to direct that the following modifications be made in the rule promulgated with his notification No. F. 12 (8)/43-General, dated the 31st March, 1943, being a rule made in exercise of the power conferred by clause (f) in sub-section (2) of section 21 of the Motor Vehicles Act, 1939, read with the Notification of the Government of India in the Department of Communications No. R-60, dated the 28th June, 1939.

I. For the words "not later than six months" in the sixth and seventh lines of the rule the words "not later than one year" shall be substituted.

II. For the words "twelve months" in the second paragraph of the rule the words "two years" shall be substituted.

Statement showing the objects on which the aviation share of the Petrol Tax Fund was expended during the year 1939-40.

| Object. | Expenditure. |
|--|--------------|
| Clubs. | Rs. |
| Financial assistance to Flying Clubs in India | 62,500 |
| <i>Training.</i> | |
| Maintenance of 'Link Trainer' (Link Trainer is a machine used in the training of pilots) | 4,550 |
| Training of Indians as pilots of multi-engined aircraft and as wireless operators on Government aircraft Avro-X | 3,697 |
| Training of Pilots, Pilot Instructors and Ground Engineers at Flying Clubs with a view to provide a reserve of personnel to be ultimately absorbed in the Air Forces | 11,725 |
| | 19,972 |
| <i>Experimental.</i> | |
| <i>Aircraft.</i> | |
| Expenditure in connection with the investigation of 'airlocks' on certain types of aircraft engines in India | 194 |
| <i>Works and Equipment.</i> | |
| Purchase and installation at Juhu aerodrome, as an experimental measure, of a G. A. L. smoke Trail Wind Indicator | 3,844 |
| Experiments with pramixed carpets of various depths on the top of the French drains at the Civil Aerodrome at Juhu | 379 |
| | 4,223 |

| Object. | Expenditure. Rs. |
|---|---------------------|
| Lighting. | |
| Experiments to determine the relative merits of mercury, neon and sodium beacons for air routes, and flight tests in connection therewith | |
| Miscellaneous items | 19 |
| GRAND TOTAL | 89,131 |

Statement showing the objects on which the aviation share of the Petrol Tax Fund was expended during the year 1940-41.

Clubs.

| | |
|--|----------|
| Financial assistance to Flying Clubs in India | 1,51,511 |
| Financial assistance to Indian Gliding Association | 15,000 |
| | <hr/> |
| | 1,66,511 |

Training.

| | |
|--|----------|
| Training of Pilots, Pilot Instructors and Ground Engineers at Flying Clubs with a view to provide a reserve of personnel to be ultimately absorbed in the Air Forces | 29,733 |
| Training of Pilots for Air Forces and as Pilot Instructors | 1,10,820 |
| Maintenance of 'Link Trainer' | 1,200 |
| Customs duty on 'Link Trainer' | 7,464 |
| Acquisition of certain items of the property of the Aeronautical Training Centre, India (Aircraft, etc.) with a view to issuing them on loan to Flying Clubs | 15,000 |
| Expenditure on repair and overhaul of Government aircraft VT-AIR, an aircraft acquired from the Aeronautical Training Centre, India, on its liquidation | 1,761 |
| Repair of aircraft VT-ACO (Moth aircraft which belonged to Government) | 1,240 |
| Transfer of aircraft VT-AHF from Delhi to Patna. (This aircraft was also acquired from Aeronautical Training Centre, India) | 222 |
| Purchase of aircraft for loan to Flying Clubs for training | 65,358 |
| | <hr/> |
| | 2,35,798 |

Experimental.

Works and Equipment.

| | |
|--|-----|
| Payment to Mr. Grubb for preparing an experimental landing ground at Vypoon (Cochin) | 250 |
| Further expenditure on the G. X. L. smoke Trail Wind Indicator installed at Juhu Aerodrome | 176 |

GRAND TOTAL

Statement showing the objects on which the aviation share of the Petrol Tax Fund was expended during the year 1941-42.

Clubs.

| | |
|--|----------|
| Financial assistance to Flying Clubs in India | 1,57,308 |
| Financial assistance to Indian Gliding Association | 5,000 |
| | <hr/> |
| | 1,62,308 |

Training.

| | |
|--|-------|
| Further expenditure on the training of Pilots, Pilot Instructors and Ground Engineers at Flying Clubs with a view to create a reserve for the Air Forces | 240 |
| Further expenditure on the training of pilots and pilot instructors for I. A. F. purposes | 1,372 |
| Miscellaneous items | 95 |
| | <hr/> |
| | 1,707 |

Experimental.

| | |
|---|--------|
| Construction of a Wind Tunnel at the Indian Institute of Science, Bangalore, for carrying out certain tests on aircraft | 40,000 |
|---|--------|

Lighting.

| | |
|---|--------|
| Experiments in connection with the lighting of the flying gap at the civil Aerodrome at Dum Dum | 10,439 |
|---|--------|

TOTAL **2,14,454**

Statement showing the objects on which aviation share of the Petrol Tax Fund was expended during the year 1942-43.

| Object. | Expenditure. |
|--|-----------------|
| <i>Clubs.</i> | Rs. |
| 1. Grants-in-aid to Flying Clubs in India | 1,09,972 |
| 2. Financial assistance to Indian Gliding Association | 14,843 |
| | 1,24,815 |
| <i>Training.</i> | |
| Training of a member of the staff of the Civil Aviation Directorate in certain subjects pertaining to aircraft inspection | 1,443 |
| <i>Experimental.</i> | |
| 1. Aircraft operation of the wind tunnel at the Indian Institute of Science, Bangalore, for carrying out certain tests on aircraft | 6,050 |
| 2. Works and Equipment Emergency equipment for removing disabled aircraft of heavy type | 980 |
| | 7,030 |
| TOTAL | 1,33,288 |

THE HONOURABLE MR. E. CONRAN-SMITH (Home Secretary): Sir, I lay on the table copies of the Declaration of Exemption under section 6 of the Registration of Foreigners Act, 1939, as published with the notification of the Government of India in the Home Department:—

- (1) No. 1/11/43-Political (E), dated the 2nd March, 1943;
- (2) No. 1/12/43-Political (E), dated the 26th March, 1943;
- (3) No. 1/9/43-Political (E), dated the 10th April 1943;
- (4) No. 1/12/43-Political (E), dated the 16th April 1943;
- (5) No. 1/20/43-Political (E), dated the 4th May, 1943;
- (6) No. 1/22/43-Political (E), dated the 10th May 1943;
- (7) No. 1/23/43-Political (E), dated the 15th May 1943;
- (8) No. 1/12/43-Political (E), dated the 29th May 1943; and
- (9) No. 1/26/43-Political (E), dated the 11th June 1943.

Declaration of Exemption.

No. 1/11/43-Political (E), dated the 2nd March, 1943.—In exercise of the powers conferred by section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to declare that the provisions of the Registration of Foreigners Rules, 1939, except rule 8 and such of the provisions of rules 4, 14, 15 and 16 as apply to, or in relation to, passengers and visitors who are not foreigners shall not apply to, or in relation to Mr. L. Brooche-Edwards, representative in India of the United States Office of Lend Lease Administration, so long as he continues to hold that post.

Declaration of Exemption.

No. 1/12/43-Political (E), dated the 26th March, 1943.—In exercise of the powers conferred by section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to declare that the provisions of the Registration of Foreigners Rules, 1939, except rule 8 and such of the provisions of rules 4, 14, 15 and 16 as apply to, or in relation to, passengers and visitors who are not foreigners, shall not apply to, or in relation to—

- (1) Mr. Frederick W. Ecker, Head of the United States Lend-Lease Mission in India, and
- (2) Mr. Winthrop Brown, his assistant.

Declaration of Exemption.

No. 1/9/43-Political (E), dated the 10th April, 1943.—In exercise of the powers conferred by section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to declare that the provisions of the Registration of the Foreigners Rules, 1939, except rule 8, shall not apply to, or in relation to, technical representatives and civil service employees of the American, Chinese, Dutch, Free French or other Allied naval, military or Air Forces in India who are subject to naval or military discipline and are in possession of a certificate in the form prescribed in the Schedule hereto annexed and issued by an officer of the appropriate Forces not below the rank of Brigadier.

SCHEDULE.

Certificate of eligibility for exemption from the provisions of the Registration Act, 1939.

This is to certify that Mr. is a technical representative/civil service employee of the Forces in India and is thereby entitled to the benefit of the Notification No. 1/9/43-Political (E), dated the 10th April, 1943, issued by the Government of India in the Home Department.

Declaration of Exemption.

No. 1/12/43-Political (E), dated the 16th April, 1943.—In exercise of the powers conferred by section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is

pleased to declare that the provisions of the Registration of Foreigners Rules, 1939, except rule 8 and such of the provisions of rules 4, 14, 15 and 16 as apply to, or in relation to, passengers and visitors who are not foreigners, shall not apply to, or in relation to, Messrs. Frank W. Fetter and Francis R. Titcomb, members of the United States Lease and Lend Mission, so long as they remain in the mission.

Declaration of Exemption.

No. 1/20/43-Political (E), dated the 4th May, 1943.—In exercise of the powers conferred by section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to declare that the provisions of the Registration of Foreigners Rules, 1939, except rule 8 and such of the provisions of rules 4, 14, 15 and 16 as apply to, or in relation to, passengers and visitors who are not foreigners shall not apply to, or in relation to, Miss Anne Logan Fouche employed as a clerk in the American Consulate at Bombay, so long as she continues to hold her present post.

Declaration of Exemption.

No. 1/22/43-Political (E), dated the 10th May, 1943.—In exercise of the powers conferred by section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to declare that the provisions of the Registration of Foreigners Rules, 1939, except rule 8 and such of the provisions of rules 4, 14, 15 and 16 as apply to, or in relation to, passengers and visitors who are not foreigners, shall not apply to, or in relation to, Mr. Tung Tsung-Shan (Michael Tung), third secretary to the Commissioner of China to India for so long as he holds that post.

Declaration of Exemption.

No. 1/23/43-Political (E), dated the 15th May, 1943.—In exercise of the powers conferred by section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to declare that the provisions of the Registration of Foreigners Rules, 1939, except rule 8 and such of the provisions of rules 4, 14, 15 and 16 as apply to, or in relation to, passengers and visitors who are not foreigners, shall not apply to, or in relation to, Mr. Ben Schaberg, representative of the United States Lend-Lease Administration, so long as he remains in that Administration.

Declaration of Exemption.

No. 1/12/43-Political (E), dated the 29th May, 1943.—In exercise of the powers conferred by section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to declare that the provisions of the Registration of Foreigners Rules, 1939, except rule 8 and such of the provisions of rules 4, 14, 15 and 16 as apply to, or in relation to, passengers and visitors who are not foreigners, shall not apply to, or in relation to, Messrs. Milton Newman and Gilbert Jones, members of the United States Lend-Lease Mission, so long as they remain in the mission.

Declaration of Exemption.

No. 1/26/43-Political (E), dated the 14th June, 1943.—In exercise of the powers conferred by section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to declare that the provisions of the Registration of Foreigners Rules, 1939, except rule 8 and such of the provisions of rules 4, 14, 15 and 16 as apply to, or in relation to, passengers and visitors who are not foreigners, shall not apply to, or in relation to, Mr. Alexander Nikitch Elshin, purchasing agent in India of the Union of Soviet Socialist Republic so long as he remains in his present post.

THE HONOURABLE MR. E. CONRAN-SMITH (Home Secretary): Sir, I lay on the table copies of the Home Department Notifications—

(1) No. 1/17/43-Political (E), dated the 1st May, 1943, further amending the Declarations set out in the Registration of Foreigners (Exemption) Order, 1939;

(2) Nos. 1/26/42-Political (E) and 1/30/43-Political (E), dated the 6th May and 7th July, 1943, respectively, further amending the Declarations published with the Notification of the Home Department, No. 21/32/39-Political, dated the 21st June,

No. 1/17/43-Political (E), dated the 1st May, 1943.—In exercise of the powers conferred by section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Declarations set out in the Registration of Foreigners (Exemption) Order, 1939, namely:—

For paragraph (e) of Declaration 3 of the said Declarations, the following paragraph shall be substituted, namely:—

“(e) Any person of Asiatic birth who by any law for the time being in force is not required to obtain a visa for the purpose of entering British India and who is a subject of any State having sovereignty over any territory of which the boundaries are co-terminous with the boundaries, external or internal, of India; or,”

No. 1/26/42-Political (E), dated the 6th May, 1943.—In exercise of the powers conferred by section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), and in supersession of the Declaration published with the notification of the Government of India in the Home Department No. 1/26/42-Political (E), dated the 10th October, 1942, the Central Government is pleased to direct

that the following further amendment shall be made in the Declarations published with the notification of the Government of India in the Home Department No. 21/32/39-Political, dated the 21st June, 1939, namely :—

In Declaration 3 of the said Declarations—

(1) in clause (e), the word “ or ” shall be omitted ;

(2) after clause (f) the following clause shall be inserted, namely :—

“(g) any British subject who—

(i) has acquired British nationality by marriage or has been granted a certificate of naturalisation as a British subject under any law for the time being in force in British India, and

(ii) has been a British subject for not less than fifteen years, and

(iii) save when he has been a British subject for not less than twenty-five years, has obtained from the Registration Officer a certificate to the effect that he has furnished a statement of all visits made by him since the year 1926 to any foreign territory.

Provided that the Central Government may, by an order in writing served on any person, direct that the exemption conferred by this clause shall cease to extend to that person.

No. 1/30/43-Political (E), dated the 7th July, 1943.—In exercise of the powers conferred by section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), and in supersession of the Declarations of the Government of India in the Home Department No. 1/3/42-Political (E), dated the 12th June, 1942, and No. 1/9/43-Political (E), dated the 10th April, 1943, the Central Government is pleased to direct that the following further amendment shall be made in the Declarations published with the notification of the Government of India in the Home Department No. 21/32/39-Political, dated the 21st June, 1939, namely :—

After clause (g), the following clauses shall be inserted :—

“(b) any member of the naval military or air force of the United States of America, Chinese, Dutch, Free French or any other Allied nation arriving in India in the discharge of his official duties ; and

(i) any technical representative or civil service employee of the United States of America, Chinese, Dutch, Free French or other Allied naval, military or air force in India who is subject to naval, military or air force discipline and is in possession of a certificate in the form prescribed in the schedule hereto annexed and issued by an officer of the appropriate force not below the rank of a Captain in the Navy, a Brigadier or an Air Commodore.

SCHEDULE.

Certificate of eligibility for exemption from the provisions of the Registration of Foreigners Rules, 1939.

This is to certify that Mr. is a technical representative/civil service employee of the forces in India and is thereby entitled to the benefit of clause (i) of Declaration 3 of the Declarations contained in the Registration of Foreigners (Exemption) Order, 1939.

THE HONOURABLE MR. N. R. PILLAI (Commerce Secretary) : Sir, I lay on the table a copy of the notification of the Department of Commerce, No. 597-I (1)/43, dated the 3rd April, 1943, making a further amendment to the Insurance Rules, 1939.

No. 597-I(1)/43, dated the 3rd April, 1943.—In exercise of the powers conferred by sub-sections (1) and (2) of section 114 of the Insurance Act, 1938 (IV of 1938), the Central Government is pleased to direct that the following further amendment shall be made in the Insurance Rules, 1939, the same having been previously published as required by sub-section (1) of the said section, namely :—

To sub-rule (1) of rule 15 of the said Rules, the following proviso shall be added, namely :—

“Provided that an election for the holding of which the latest date otherwise permissible under this sub-rule is a date in the year 1943 may be postponed to a date not later than the 31st December, 1944.”

THE HONOURABLE MR. H. TUFNELL-BARRETT (Labour Secretary) : Sir, I lay on the table a copy of the Summary of Proceedings* of the Third Meeting of the Standing Labour Committee held on the 7th and 8th May, 1943.

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR GENERAL.

THE HONOURABLE THE PRESIDENT : Honourable Members, I have a message to deliver to you from His Excellency the Governor General. The message is as follows :—

“In pursuance of the provisions of sub-section (2) of section 63 A of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, I, Victor Alexander John, Marquess of Linlithgow, hereby nominate the following Members of the Council of State to be on the Panel of Chairmen of the said Council of State :—

In the first place, the Honourable Sir David Devadoss ; in the second place, the Honourable Mr. M. N. Dalal ; in the third place, the Honourable Sir Rahimtoola Chinoy ; and lastly the Honourable Mr. V. V. Kalikar.

NEW DELHI ;
The 17th July, 1943.

LINLITHGOW,
Viceroy and Governor General.”

COMMITTEE ON PETITIONS.

THE HONOURABLE THE PRESIDENT : Under Standing Order 76 of the Council of State Standing Orders, I am required at the commencement of each session to constitute a Committee on Petitions consisting of the Chairman and four members. The following members at my request kindly consented to preside over and serve on the Committee. I accordingly have much pleasure in nominating as Chairman of the Committee the Honourable Raja Charanjit Singh and as members, the Honourable Pandit Hirday Nath Kunzru, the Honourable Sir Ramunni Menon, the Honourable Haji Syed Muhammad Hussain, and the Honourable Mr. M. N. Dalal.

GOVERNOR GENERAL'S ASSENT TO BILLS.

SECRETARY OF THE COUNCIL : Sir, information has been received that His Excellency the Governor General has been pleased to grant his assent to the following Bills which were passed by the two Chambers of the Indian Legislature during the Budget Session, 1943, namely :—

1. The Motor Vehicles (Amendment) Act, 1943.
2. The Government Savings Banks (Amendment) Act, 1943.
3. The Indian Railways (Amendment) Act, 1943.
4. The Aligarh Muslim University (Amendment) Act, 1934.
5. The Code of Civil Procedure (Amendment) Act, 1943.
6. The Indian Penal Code (Amendment) Act, 1943.
7. The Coffee Market Expansion (Amendment) Act, 1943.
8. The Indian Finance Act, 1943.
9. The Reciprocity Act, 1943.
10. The Tobacco (Excise Duty) Act, 1943.
11. The Vegetable Product (Excise Duty) Act, 1943.
12. The Indian Tea Control (Amendment) Act, 1943.
13. The Delhi Muslim Wakfs Act, 1943.
14. The Indian Army and Air Force (Military Prisons and Detention Barracks) Act, 1943.
15. The Trade Marks (Amendment) Act, 1943.
16. The Muslim Personal Law (Shariat) Application (Amendment) Act, 1943.

BILLS PASSED BY THE LEGISLATIVE ASSEMBLY LAID ON THE TABLE.

SECRETARY OF THE COUNCIL : Sir, in pursuance of rule 25 of the Indian Legislative Rules, I lay on the table copies of the following Bills which were passed by the Legislative Assembly at its meeting held on the 29th July, 1943, namely :—

- A Bill further to amend the Indian Boilers, Act, 1923.
- A Bill to amend the Mines Maternity Benefit Act, 1941.
- A Bill to amend the Motor Vehicles (Drivers) Ordinance, 1942.
- A Bill further to amend the Agricultural Produce (Grading and Marking) Act, 1937.
- A Bill further to amend the Indian Army Act, 1911, and the Indian Air Force Act, 1932.

CONGRATULATIONS TO RECIPIENTS OF HONOURS.

THE HONOURABLE THE PRESIDENT : It is my pleasant task now to offer congratulations on your behalf to those of our Members who have been the recipients of honours in the last Birthday Gazette. But before I do so, I think—and I feel quite certain that you will all unanimously approve of my idea—that we should in the first instance send our respectful congratulations to Viscount Wavell on his appointment as the Viceroy of India. I mention this matter particularly because His Excellency in his capacity as Commander-in-Chief in India was with us for over two years and during that time by his simplicity, by his courtesy, by his great forbearance, by his respectful attitude towards all the members of this Council when answering questions—with such dignity and complacency he answered them—that he endeared himself to all the members of this Council and it was with great pleasure that this Council has heard of his appointment as the Viceroy of India. He will be amongst us within a very short time. I cannot speak about such a high dignitary in an extensive manner at present, but I will only recall what His Excellency the Viceroy and Governor General said this morning that he was not only a great soldier who had

[The President.]

rendered conspicuous services in many fields of war all over the world but a distinguished statesman who will make a wise and conscientious Viceroy. We will only hope that when he arrives in this country he will have the good health to fill this exalted office with great dignity and that he will render valuable and conspicuous services to this country like his many predecessors.

With these words, I ask your permission to convey your congratulations to him by cablegram if you so desire. (*Applause*).

*THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (United Provinces Northern : Non-Muhammadan) : Mr. President, the course which you have suggested is, I think, very unusual. My connection with this Council is of recent date, but I confess that I remember no case in which the procedure which you have recommended to us has been followed by the House.

THE HONOURABLE THE PRESIDENT : May I mention that I quite agree that the procedure is unusual, but I have adopted this procedure because he was a member of our Council for over two years.

*THE HONOURABLE MR. P. N. SAPRU (United Provinces Southern : Non-Muhammadan) : It is a political appointment and there may be legitimate differences of opinion in regard to a soldier being appointed to that position. We have no desire to prejudice Viscount Wavell's work.

THE HONOURABLE THE PRESIDENT : Are you not aware of soldiers being appointed as Viceroys ?

THE HONOURABLE MR. P. N. SAPRU : It is not possible for us to associate ourselves with the congratulations.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : The congratulations will not have a purely personal aspect ; they are bound to have a political aspect and in view of this I hope you will not take it amiss if

THE HONOURABLE THE PRESIDENT : I am not taking it amiss, it is for the Council.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : We have nothing against Field Marshal Lord Wavell. But, as I said, if the Council as a body congratulates him on his appointment it may be thought that it was congratulating him not only personally but also from the political point of view. In the position in which we are, we cannot agree to any step which will have political implications of this character.

THE HONOURABLE SIR MAHOMED USMAN (Leader of the House) : I would like to point out that for the first time a distinguished member of this House has been appointed as the Viceroy and I think it is right that we should send our warmest congratulations to him on his appointment as the Viceroy of India.

THE HONOURABLE RAI BAHADUR SRI NARAIN MAHTHA : In case you adopt this procedure, will you allow us to have our say on the outgoing Viceroy also and to review his work ?

THE HONOURABLE THE PRESIDENT : It is not the occasion just now.

THE HONOURABLE RAJA CHARANJIT SINGH (Nominated Non-official) : Sir, I strongly support the remarks which you have made. Congratulations should be sent to Lord Wavell on his appointment.

THE HONOURABLE LT.-COL. SIE HISSAMUDDIN BAHADUR (Nominated Non-official) : Everybody supports you, Sir.

THE HONOURABLE SAYYED MOHAMED PADSHAH SAHIB BAHADUR (Madras Muhammadan) : Sir, on behalf of the Muslim League Party, I wish to make a few observations. I should like to make one point clear, that so far as the appointment of a military officer to the Viceroyalty is concerned, we have no objection on principle. We do not make any difference between a distinguished soldier and any other distinguished person who has had a very brilliant political career. But whether the recipient of our felicitations would deserve the encomiums showered upon him would all depend on the way in which he would conduct himself in the future. But from what we have known of Lord Wavell, there is some assurance in the minds of some of us here that His Excellency would discharge his onerous duties in a way which will not be prejudicial to the interests of the people here. From the way in which he, as a member of this House, has been evincing his sympathy with

* Not corrected by the Honourable Member.

the aspirations of Indians here, we feel that there is no impediment set in the way of India's progress by the appointment of Lord Wavell so far as the Viceroy and Governor General of India. I hope that His Excellency within the powers that are vested in him—and very limited indeed are those powers—will continue to have the same sympathy and strive to further the interests of our country.

With these words, I support the motion of congratulations.

*THE HONOURABLE MR. P. N. SAPRU : Sir, I should not like our position to be misunderstood in regard to this congratulation Motion. We know nothing about Viscount Wavell's politics : he may prove to be a good statesman
4 P.M. from our point of view ; he may prove to be a bad statesman from our point of view. We have no desire whatever to prejudge Viscount Wavell because he has not been in politics and we know nothing about the complexion of his politics, but we feel, Sir, that there is a question of principle involved and we cannot in advance of how a statesman might shape join in offering congratulations because we are concerned more with the politics of the Viceroy than with his personality. A man may be a very distinguished soldier but he may not shape very well as a statesman and so from the political aspect, without meaning the slightest ill-will towards Viscount Wavell, we feel that we cannot associate ourselves with this message, and if you must send this message then we will claim a division.

THE HONOURABLE SIR A. P. PATRO (Nominated Non-Official) : It is rather unfortunate that there should be any dissentient voice in a matter like this. It has been the accepted convention in this House that when members of this House have been promoted, or have been appointed as Members of the Executive Council of the Viceroy, or as otherwise Governors of Provinces, or when honours have been conferred by His Majesty upon some members of this House, you, Sir, as representing this House have always congratulated them and also sent the good wishes of this House. In this case, the Commander-in-Chief, now Lord Wavell, was a member of this House—a very respected member of this House—and he received advancement as the Viceroy of India. Therefore, this House rejoices that a member of this House has been promoted and received this distinction. It is on that ground only, Sir, I understand that you have proposed this message of congratulations. What will be the colour of his politics when he comes here, whether he will be pro-Congress or whether he will be anti-Congress, or whether he will be an anti-Indian, all these questions are not relevant to the present occasion. Therefore, Sir, I earnestly appeal to the other side who have raised this question of politics that days are foreign to the proposition before us and we should all agree to what you have proposed, namely, to send a message of congratulations to one who has been a member of this House and who has received a distinction at the hands of His Majesty as the Viceroy. Therefore, I respectfully submit to the members opposite that they should not bring in politics into this matter, nor should we pursue the question whether a military man, a distinguished soldier, is entitled to be Viceroy : all these questions as I have said—there may be a difference of opinion, there is difference of opinion—are not relevant to the present occasion. They do not come into the proposition at all.

THE HONOURABLE MR. M. N. DALAL (Bombay : Non-Muhammadian) : Sir, so far as the question of precedent is concerned we have congratulated *ex*-members of this House who have become Governors of Provinces. For instance, I remember well we congratulated Sir Hugh Dow, who was a member of this House, when he was appointed as Governor of Sind. I fail to understand how any objection can be taken on grounds of a new precedent.

THE HONOURABLE SARDAR SIR BUTA SINGH (Punjab : Sikh) : Sir, I do not understand how politics come in a question like this. We are sending congratulations to a distinguished member of this House who had been very very kind and who had always shown consideration to our views —.

THE HONOURABLE THE PRESIDENT : That is the attitude which I took—because he was a member of this House.

THE HONOURABLE SARDAR SIR BUTA SINGH : Therefore, I see no reason why the members here on my right should object to a harmless Resolution of this kind.

THE HONOURABLE NAWABZADA KHURSHID ALI KHAN : (Nominated Non-Official) : I whole-heartedly associate myself with what has been said by the Honourable the Leader of the House that congratulations should be sent to Lord Wavell from the Council of State.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : I do not want you to put the Motion to the vote. I venture to think, Sir, if you will have the goodness to allow me to express my views on this occasion, which is rather important that I should make clear what I and the members with whom I am associated on this side of the House feel on this question. This is not as unimportant a matter as some members of the House have made it out to be. I venture to think that, on a question like this any action taken on behalf of the House should only be taken when there is unanimity among the members. I take the liberty of saying, therefore, that it would have been better in my humble opinion if the Chair had consulted the Party leaders before broaching this question here.

THE HONOURABLE THE PRESIDENT : Have I consulted Party leaders on all occasions ?

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : On other occasions where you knew, Sir, that a controversy might arise you have given expression, if my memory does not fail me, to your own personal feelings. You, however, propose to depart from the old custom and send a congratulatory message to Field Marshal Lord Wavell on behalf of the Council. I have already said that we cannot look at the matter from a purely personal point of view. We have to take into account the political aspect of the question too. In view of this some of us ventured to criticise the Field Marshal's appointment when it was announced in the papers and it would obviously be unfair to such members if a message were sent on behalf of the Council which tended to create the impression that all sides of the House supported the Motion. I am not passing any judgment on Lord Wavell ; we are not discussing his personality here at all. But I think that if we send a message of congratulations to him, we can only do so if we feel satisfied from the political point of view that the appointment is a good one and it is precisely because of this implication of the message that you have suggested that I venture once again to ask you to reconsider the matter.

THE HONOURABLE THE PRESIDENT : I am in the hands of the Council. I will do whatever they decide.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Sir, no one can take away your freedom of action in this matter. You raised this question and if you advise the Council to drop it in view of differences of opinion I am sure that the Council will agree to drop it. I venture to say again that it would be unfair—very unfair—to those of us who sit on this side of the House to send a message to Field Marshal Lord Wavell of the character that you have suggested. We hear him no ill will : indeed, we wish that he may turn out to be a successful Viceroy. It is our earnest wish that he may succeed where others have failed. (*Interruption*).

THE HONOURABLE LT.-COL. SIR HISSAMUDDIN BAHADUR : I suggest, Sir, that this opposition comes too late now.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Looking at the matter from the political point of view, which cannot be left out of consideration on an occasion like this, we cannot associate ourselves with the course of action that you have suggested.

THE HONOURABLE SIR MAHOMED USMAN (Leader of the House) : Sir, I should like to say that the course suggested by my Honourable friend Pandit Kunzru is very unfair. After the Chair has moved the Resolution, it would be very unfair to Viscount Wavell to drop the Resolution.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : The Chair has moved no Resolution.

THE HONOURABLE SIR MAHOMED USMAN : If it comes to that, Sir, you can put the Resolution to the vote, and we shall carry it.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : As I said, the Chair has not moved any Resolution.

THE HONOURABLE MR. P. N. SAPRU : The Honourable the Leader of the House is doing no service to Viscount Wavell. I am sure he will not appreciate a

vote by official and nominated members of the Legislature. We have the greatest regard for Viscount Wavell. We wish his Viceroyalty to be a success. But we do not wish a political issue to be mixed up with this congratulatory message. I am sure that the Honourable the Leader of the House is not doing any service to Viscount Wavell by pressing his point of view.

THE HONOURABLE SIR MAHOMED USMAN : There is no political question involved in this, as you, Sir, have clearly pointed out. A distinguished member of this House has been appointed Viceroy of India, and I think it is our duty to offer him our congratulations.

THE HONOURABLE SIR DAVID DEVADOSS (Nominated Non-Official) : May I say a word, Sir ? Would it suit the Honourable Members if you simply send a wire to the effect that we congratulate him on his appointment as Viceroy ?

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : As a member of the Council of State ?

THE HONOURABLE SIR DAVID DEVADOSS : Being a member of this House. Would that be in any way objectionable from the point of view of my Honourable friends ? As has been observed by the Honourable the Leader of the House, this is a unique appointment. For the first time a member of this Council has been appointed Viceroy. Can we not simply say that as a member of the Council of State we congratulate him on his appointment to the highest post under the Crown ? Would there be any objection to that ? There need be no political implication whatsoever. Do we not congratulate one of our brethren who was with us till recently on his appointment to the highest post under the British Crown ?

THE HONOURABLE SIR MAHOMED USMAN : After this discussion, I appeal to the Opposition to withdraw their opposition to the Resolution.

THE HONOURABLE THE PRESIDENT : Honourable Members, in my speech suggesting this course, which has been the usual practice adopted for the last forty years in this Council, I have suggested a course which is quite sound and sensible and which we are in duty bound to follow. In my speech throughout I never alluded to politics in any way. I never said anything about politics. It was the Honourable Pandit Kunzru and the Honourable Mr. Sapru who referred to politics. I only stated in my speech, and I ask you again to remember it, that for over two years Lord Wavell was a distinguished member of our Council. He endeared himself by his simplicity and his courtesy to all members, and gained the respect and regard of all members. I also referred to His Excellency the Viceroy's words, which were not at all political in character. All that he said this morning was that Lord Wavell had distinguished himself and made himself famous and renowned in many fields of battle, and besides that, he was a wise and sagacious statesman. I have not alluded to anything beyond that. When I asked you to send him our congratulations, it was mainly and essentially on the ground that he was a respected member of our House who had endeared himself to us all and that we were very pleased at his appointment as Viceroy.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : If it is understood that the message will be of a purely personal character and that we congratulate him because he was a member of our Council and not because we commit ourselves to the views you have expressed, we will withdraw our opposition.

THE HONOURABLE THE PRESIDENT : That is just what I suggested on the first occasion. The usual form of message will be adopted. I am not going to express any opinion whether he will make a successful Viceroy or not. What we wish to convey to him in clear language is that his brethren of this Council who have associated with him for over two years are extremely delighted to hear of his appointment as Viceroy of India, and that we wish him all success in his career. It will be an innocuous, harmless, message, and I think no member of this Council ought to oppose it.

THE HONOURABLE RAI BAHADUR SRI NARAIN MAHTHA (Bihar : Non-Muhammadian) : I have one suggestion to make which may help to solve the difficulty. If you will send a message that members of this Council wish to congratulate their ex-colleague on his appointment as Viceroy of India, nobody in this House will have any objection.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : That was my point,

THE HONOURABLE THE PRESIDENT: I was not going to introduce politics under any circumstances.

THE HONOURABLE MR. V. V. KALIKAR: There ends the matter.

THE HONOURABLE THE PRESIDENT: Did I say anything which makes the Honourable Members infer that I intended to send a political message? Honourable Members have no right whatever to infer that. I did not say anything which might lead to that inference. Honourable Members can leave it to my judgment and my long experience of forty years in this House to draft the message in an appropriate manner.

THE HONOURABLE SIR A. P. PATRO (Nominated Non-Official): We will leave it to your discretion. But may I respectfully ask whether, when Sir Hugh Dow, who was a member of this House, was appointed Governor of Sind, we did not congratulate him? We then offered our felicitations. No objection was raised on the ground of his political character. We all knew what sort of politics Sir Hugh Dow had in this House, and the Opposition members, to their own discomfort, felt his replies very sharply. And yet there was no opposition of the kind that is raised now on grounds of politics.

THE HONOURABLE THE PRESIDENT: Why do you single out Sir Hugh Dow? We have done it in the case of Sir Thomas Stewart; we have done it in the case of Sir Glancy Bertrand.

THE HONOURABLE SIR A. P. PATRO: We have done it. We have been doing it. And at this juncture, that any objection on the ground of politics should be raised passes one's understanding.

THE HONOURABLE THE PRESIDENT: If you are all agreeable to leaving it to my judgment, I will send the message. I am not going to bring in political issues.

I must also express my personal satisfaction and the satisfaction of the House at another appointment; Honourable Members will be pleased to see our old and esteemed friend Sir Claude Auchinleck back in his seat. (*Applause*). I congratulate him on behalf of the House as well as my own behalf, and hope he will stay for a long time in this House and follow in the footsteps of his great predecessor. (*Applause*.)

The next name which I wish to mention is that of our old friend and colleague in this House, who was Secretary for many years, who was my Secretary for a long time in this House also, I mean Sir George Spence, on his being made a K.C.I.E. He is a very conscientious worker. He rendered great services to this House, and many of you will remember that he helped many members of this House when they approached him for advice in matters of law which were intricate and complicated. We are all pleased that he has been rewarded with this high honour. When he received the Knighthood I mentioned about it in this House and stated that many other honours were still in store for him. Now he has received a higher honour, and I hope you will all agree with me that it is a most well deserved appointment to this Order of the Indian Empire. (*Applause*.)

I have also to offer my congratulations as well as the congratulations of the House to our friend Sardar Buta Singh on his Knighthood. It is a great pleasure for us to see a Sikh member of this House getting such a high distinction, and I hope you will all appreciate it, because you know him for many years; he has rendered good work in this House in his own unostentatious way, and he has been liked and respected by all. (*Applause*.)

THE HONOURABLE SARDAR SIR BUTA SINGH (Punjab Sikh): I thank you most sincerely, Sir, for the kind words you have used about me.

THE HONOURABLE THE PRESIDENT: Another member who has got his Knighthood is the Honourable Mr. R. R. Hadow, who has left to extend his activities in other fields. During the two years he was with us he also endeared himself to us. We found him a quiet member of this House, who spoke very rarely, but when he spoke at all, he spoke with great sagacity and wisdom. He also pointed out to us many important points in the debates in this House.

Another member to whom I wish to refer is Mr. Prior. He was in this House as our colleague off and on for two years. He was never here for a long period at any one time. He was always coming in and going out but we are very pleased that he has got his well-deserved C.S.I. We are sorry to miss him. I shall send our congratulations to him also.

**DEATH OF RAO BAHADUR K. GOVINDACHARI AND
MR. B. G. HOLDSWORTH.**

THE HONOURABLE THE PRESIDENT : From the performance of these pleasant duties I have now to come to a melancholy task. We have lost two members of this House since we met last. We have lost Mr. Govindachari, an Indian gentleman, who was with us for six years in this House and who has done very good work. During the last year, on account of his illness, he was not able to attend the meetings of this Council. He was regular in attendance and always did the right thing. His manners were quiet and he cultivated friendship with many of us and he was a staunch friend. We are all very sorry to hear of his death.

Another gentleman, who has died, and who was not long with us is the late Honourable Mr. B. G. Holdsworth. He was in this House only for two months and unfortunately, illness carried him away. He had served in many useful capacities in his own Presidency of Madras. He distinguished himself in various fields and activities and after several years of good work, he was promoted to the Government of India and he came here. I remember him also as a Joint Secretary to the Round Table Conference in London where we found him a very hard working and obliging Secretary. He gave us all the necessary information that we required from him. I may also say that he was liked and respected by my colleagues on the Round Table Conference. We are very sorry to hear of his unfortunate death and I would ask your permission to convey our condolences to his wife.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : (United Provinces Northern : Non-Muhammadan) : Sir, I should like to associate myself with all that you have said about Mr. Govindachari and Mr. Holdsworth.

THE HONOURABLE MR. M. N. DALAL (Bombay : Non-Muhammadan) : May I make a few remarks about Mr. Govindachari ? Rao Bahadur Govindachari was a very respected member of this Honourable House for a number of years. He scarcely spoke but he took a very keen interest in our deliberations. He was a member of our Party, quiet in habits, unostentatious, and unassuming in manners. He was one of those who endeared himself to those he came in contact with. Mr. President, I would suggest a resolution be sent to his bereaved family expressing our deep sense of sorrow on his death.

THE HONOURABLE THE PRESIDENT : I intended to do that.

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR (Madras : Muhammadan) : Sir, I wish to associate my Party with the messages of condolence to be sent to the relatives of the Honourable Mr. Holdsworth and the Honourable Mr. Govindachari. Mr. Govindachari came from Madras. He was one of the most popular figures in this House. He has been here for six years and he did his work well, quietly and unostentatiously.

THE HONOURABLE SIR MAHOMED USMAN : (Leader of the House) : Sir, as Leader of the House I should like to associate myself with all that you have said.

The Council then adjourned till Eleven of the Clock on Tuesday, the 3rd August, 1943.

COUNCIL OF STATE

Tuesday, 3rd August, 1943.

The Council met in the Council Chamber of the Council House at Eleven of the Clock, the Honourable the President in the Chair.

MEMBER SWORN :

THE Honourable Mr. Muhammad Saleh Akbar Hydari, C.S.I., C.I.E., (Industries and Civil Supplies Secretary).

QUESTIONS AND ANSWERS.

CREATION OF THE DEPARTMENT OF INDUSTRIES AND CIVIL SUPPLIES.

37. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH : Will Government state the object of creating the Department of Industries and Civil Supplies, and its present activities ? What is likely to be its recurring annual expenditure ?

THE HONOURABLE MR. M. S. A. HYDARI : The Honourable Member's attention is invited to the Press Communiqué, dated the 14th April, 1943, and to the Home Department Notification No. 107/43-Public (c), dated April 21st, 1943, which was published in the *Gazette of India*, dated April 24th, 1943, copies of which are in the Library of the House.

2. As regards the second part of the question, the annual recurring expenditure on the Department of Industries and Civil Supplies is estimated to be Rs. 6,60,000 against which there will be a saving of roughly Rs. 2,00,000 in the Department of Commerce and the Directorate General of Supply on account of the transfer of certain posts therefrom to the new Department.

Communiqué, dated the 14th April, 1943.

Since the outbreak of the war, under the stimulus of the vast demands to meet Defence Service requirements, and of the difficulties in importing from overseas, Indian industry has shown remarkable development. When, however, war demands disappear, and overseas trade becomes normal, these new and expanded industries will come up against a variety of difficulties, and it is of the greatest importance that all possible guidance should be given to Indian industry so that when peace returns, the momentum that has now been received by industry may not be lost, and industrial development continue over an ever widening field. Allied to this vital question, there are also numerous problems relating to civil supplies (other than the supply of foodstuffs), satisfactory solution of which requires continuous and careful attention, these are of great importance not merely so long as the war lasts but also thereafter.

His Excellency the Viceroy has therefore decided to create a Department of Industries and Civil Supplies. The importance of the work that the new Department have in itself and in relation to reconstruction and future industrial development and civil supplies needs no emphasis. His Excellency has selected Mr. M. S. A. Hydari, C.S.I., C.I.E., on the termination of his duties as Acting Chairman of the Eastern Group Supply Council, to be the Secretary of this Department.

MURDER OF A POLICE CONSTABLE IN SOUTH KANARA DISTRICT.

38. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH : Will Government make a statement giving the details and circumstances relating to the execution of the four Kayyur peasants in India on March 29, which formed the subject-matter of interpellation in the House of Commons in April, 1943 ?

THE HONOURABLE MR. E. CONRAN-SMITH : My reply to this question is rather a long one. With your permission, Sir, I will however read it in order to give full publicity to the facts.

In certain villages of Kasargod Taluk of the South Kanara District peasant organisations had been established under the name "Karshaka Sangams". The ostensible object of these organisations was protection of the agriculturist tenants against alleged oppression of landlords and village police and excise officials. Each union had a body of volunteers who wore uniform and carried *lathis*. At about 1 P. M. on the 28th March, 1941, there was a rally of volunteers at a village near Kayyur. On the same day a constable named Subraya had gone to Kayyur to execute two warrants of arrest. While he was sitting inside a shop at Kayyur, he was noticed by a large group of volunteers of the "Karshaka Sangams" which was marching in that direction. They immediately surrounded the constable, and under threat of death forced him to carry the flag of the Sangams. After going some distance he threw down the flag and tried to escape by running away. He was chased and caught,

whereupon some of the volunteers beat him with *lathis* until he fell down. He was then thrown into the nearby river, but, while he tried to escape by swimming away, he was stoned until he sank in the river and died.

In connection with this crime 60 persons were prosecuted ; of these the Sessions Judge convicted 22 persons out of whom 4, viz., Madathil Appu, Podavara Kunhambu Nair, Chirukandan and Avokara were sentenced to death. In the course of his judgment the Sessions Judge remarked that " it was a savage murder and carried out with deliberate and persistent brutality " and that there were no extenuating circumstances. This judgment was pronounced on 9th of February, 1942. The convictions and sentences were reviewed by two Judges of the High Court of Judicature at Madras who at the same time heard appeals from the various convicted accused. The Judges of the High Court upheld the convictions and confirmed the four sentences of death. In doing so, they remarked that " the death of this unfortunate constable was shown to have been brought about under singularly atrocious circumstances ". A petition for mercy on behalf of the four condemned men was made to His Excellency the Governor General and was rejected. Thereafter the accused applied to the Privy Council for special leave to appeal, but this application was also rejected. The execution was therefore carried out on the 29th March, 1943.

EMPLOYMENT BY JAPANESE OF INDIANS FOR POLITICAL WORK IN BURMA.

39. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH : Is there any information in possession of Government to verify the Press report that many Indians have been sent by the Japanese Government to Burma for political work ?

THE HONOURABLE MR. E. CONRAN-SMITH : Certain Indians overseas have co-operated with the Japanese and it is probable that some of these have been sent to Burma. We have no information to suggest that the number actively co-operating would merit the term "many". On the other hand, we have information which suggests that the " co-operation " may not be as general as the Japanese believe or would desire.

PRISONERS OF WAR IN JAPANESE HANDS.

40. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH : (a) Has the attention of Government been drawn to a reply in the House of Commons, by the War Minister, Sir James Grigg, on the 6th April, 1943, that " telegrams from Geneva show that the Delegate of the International Red Cross in Tokyo recently visited six prisoners of war camps near Osaka, and seven near Fuknoka. Two of the camps near Osaka contain Dutch prisoners from Java, and the other four have British and American prisoners " ?

(b) Will Government state whether British prisoners in the above include Indian prisoners as well ? Have Government made any attempt to find out the approximate number of Indian prisoners in the various camps in Japan, and their condition ?

(c) Will Government make as detailed a statement as they can on this subject to relieve the natural anxiety prevailing in India in this matter ?

THE HONOURABLE MR. C. M. G. OGILVIE : (a) I have not seen the statement quoted. The information contained in it has, however, been received by us.

(b) and (c) So far as is known, there are no Indian prisoners of war confined in Japan proper, where the camps referred to are situated. Continuous efforts are being made through the Protecting Power and the International Red Cross to ascertain the names of Indian prisoners of war in Japanese hands. Information has not however been forthcoming because up to the present the Japanese have not allowed representatives of the Protecting Power or the International Red Cross to visit camps in which Indian prisoners of war are confined.

INTERNMENT BY JAPANESE OF NATIONALS OF THE UNITED NATIONS.

41. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH : Is it a fact that the Japanese are proceeding with the internment of the nationals of the United Nations including India, in occupied China, both in Shanghai, and other centres ? How many Indians were in occupied China, and what has been their fate ?

THE HONOURABLE SIR MAHOMED USMAN : Sir, information reaching the Government of India shows that with the exception of Indians the Japanese are

termining all nationals of the United Nations in occupied China and Shanghai. The Indian Civilian population are not interned although there are doubtless exceptions to this rule.

2. So far as the Government of India are aware there are 1,700 Indians in Shan-hai and 103 Indians in Tientsin. The number of Indians in other parts of China believed to be very small.

ADMISSION OF INDIANS TO THE ROYAL NAVAL VOLUNTEER RESERVE.

42. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH: (a) Is it a fact that a young Indian doctor from Lahore, who is an M.D., B.Ch., M.R.C.S., L.R.C.P., who volunteered for service in London sometime back in the Royal Navy and resented himself for interview and medical examination, and subsequently received a letter appointing him as a probationary surgeon and lieutenant in the Royal Navy Volunteer Reserve; but three days later, he got another letter cancelling his appointment presumably on the ground that the R.N.V.R. regulations require that candidates must be of pure European descent? Do Government propose to make an inquiry into this and state the full facts of the case?

(b) Is it a fact that no such racial or colour bar exists in the British Army and R. A. F. where Indians are not only eligible, but actually hold at present a number of commissions? If so, do Government propose to press for suitable amendment in the R. N. V. R. Regulations?

(c) Is there any branch of public service in India civil or military including Army, the Navy and the Air Force, from which the Britishers are excluded on grounds of race or colour? If not, why should there be any such discrimination against Indians in England, even in these times of war?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (a) An inquiry has been made and it appears that owing to an administrative error the Indian doctor in question was not admitted to the Royal Naval Volunteer Reserve. There are no regulations which prohibit Indians in the United Kingdom from joining the Royal Naval Volunteer Reserve and if the doctor in question is still in the United Kingdom he will be offered a temporary commission as a Surgeon Lieutenant in the Royal Naval Volunteer Reserve.

(b) I can confirm that Indians in the United Kingdom are eligible for commissions in the Royal Navy and in its Reserves as well as in the Army and in the Royal Air Force. The second part of the question does not arise.

(c) European British subjects are *not* eligible for the Indian Air Force or for the Indian Territorial Force.

CHARGES BROUGHT AGAINST CONGRESS FOR THE PRESENT DISTURBANCES.

43. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH: (a) Why the Government of India have no intention of staging a trial of Mr. Gandhi and other detained Congress leaders to use Mr. Amery's words in the House of Commons on the 27th May last?

(b) When do Government propose to disclose all the information in the possession of Government and the "Large volume of evidence which it is undesirable to publish at present" as stated by Sir R. Tottenham, Additional Secretary to the Government of India in the Home Department, in his preface to the booklet *Congress Responsibility for the Disturbances, 1942-43*?

THE HONOURABLE MR. E. CONRAN-SMITH: Sir, the question answered by the Secretary of State in Parliament on the 27th May related specifically to charges which were alleged, but, as the Secretary of State pointed out, were wrongly alleged to have been made in the White Paper.

2. The Government of India must of course at all times be free to take against any person such action as is warranted by the law. I am not prepared to make any further statement regarding their present intentions in this respect or in reply to part (b) of the question.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Is the Honourable Member aware that the Viceroy in the course of one of his letters to Mahatma Gandhi which was published last year did refer to the public trial which Mahatma Gandhi and his associates must be prepared to face?

THE HONOURABLE MR. E. CONRAN-SMITH : I am aware, Sir, of the reference made. But His Excellency's letter to Mr. Gandhi gave no indication of the manner in which Congress would be placed on their defence before the world or of the intentions of Government in that regard.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Am I to understand that their intention to try these people is still there ?

THE HONOURABLE MR. E. CONRAN-SMITH : I have already answered that. I am not prepared to say anything further about Government's intention in this matter.

STANDARD CLOTH SUPPLIED TO PROVINCES.

44. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH : (a) With reference to my question No. 25 of the 23rd September, 1942, regarding the supply of standard cloth to the people of India, will Government make a statement as to the variety and quantity of such cloth produced in the Indian mills ; and the extent of their requisition by and supply to the different Provincial Governments up to date ?

(b) Are Government aware that the sufferings of the people in general in rural and urban areas have in no way abated as such clothes are not available to them ?

(c) Will Government lay on the table a statement showing the towns or areas in different provinces in which such standard cloth shops or depots for sale have been opened and the quantities supplied to them as in most of the provinces the Legislatures are not functioning and such information cannot be got through the Provincial Governments concerned ?

THE HONOURABLE MR. M. S. A. HYDARI : (a) Standard cloth is being produced in 66 types of shirtings, dhotis and sarrees. There is no question of provinces or States requisitioning supplies of standard cloth. The 1,150 million yards for which we have placed orders for delivery by the end of January, 1944 at the rate of 150 million yards a month have been allotted to provinces and States on a population basis.

(b) No.

(c) No. The value of such information would not be commensurate with the labour entailed by its collection.

RETIRED INDIAN CIVIL SERVICE OFFICERS SERVING UNDER THE GOVERNMENT OF INDIA.

45. THE HONOURABLE MR. HOSSAIN IMAM : Will Government lay a statement giving the following information about the retired I. C. S. officers now (on 15th July, 1943) serving under the Government of India:—name, pay and post held at retirement, pay and post held on 15th July, 1943 and pension, if any, being drawn ?

THE HONOURABLE MR. E. CONRAN-SMITH : A statement is laid on the table.

Statement showing the number of retired I. C. S. officers re-employed by the Government of India and the salary as well as the pension drawn by each of them.

| Name of the officer. | Post held and pay at the time of retirement. | Present post and pay. | Pension. |
|--------------------------------|--|--|---|
| Sir Alan Lloyd, C.S.I., C.I.E. | Secretary, Commerce Department. Rs. 4,000. | Establishment Officer to the Government of India. Rs. 2,250. | Rs. 1,111-2-0. |
| Mr. G. M. Young, C.I.E. | Secretary, Army Department, Government of India. Rs. 4,000. | Joint Secretary, War Department, Rs. 1,000. | Full retiring pension. |
| Lt.-Col. A. C. Beynon | District and Sessions Judge, Burma. Rs. 2,000 + Judicial pay Rs. 150 + Overseas pay £30 + Burma allowance Rs. 165. | Additional Deputy Secretary, War Department. Rs. 2,280 per mensem. | The question whether he should draw his proportionate pension in addition is under consideration. |

| Name of the officer | Post held and pay at the time of retirement. | Present post and pay. | Pension. |
|---|---|--|--------------------------------------|
| r. P. J. Griffiths, C.I.E. | Deputy Commissioner, Bengal. Rs. 1,700+ Overseas pay £30. | Central Publicity Adviser to the Government of India. Does not draw any pay from Government. | Rs. 69½ |
| Mr. S. S. Bajpai | District and Sessions Judge, United Provinces. Rs. 1,700+ Overseas pay Rs. 300. | Assistant Director, Counter Propaganda Directorate. Rs. 800. | Rs. 200. |
| Sir Colin Garbett, K.C.I.E., C.S.I., C.M.G. | Financial Commissioner, Punjab. Rs. 3,500. | O. S. D., Defence Department. Rs. 1,200. | £1,000 per annum payable in England. |

OFFICERS OF THE BURMA SERVICES SERVING UNDER THE GOVERNMENT OF INDIA.

46. THE HONOURABLE MR. HOSSAIN IMAM : Will Government lay a statement giving the information asked for in the preceding question about officers of Burma services now serving under the Government of India ?

THE HONOURABLE MR. C. M. G. OGILVIE : The information is being collected and will be laid on the table of the House in due course.

BURMANS, ANGLO-BURMANS AND INDIAN EVACUEES SERVING IN (GAZETTED POSTS UNDER THE GOVERNMENT OF INDIA.

47. THE HONOURABLE MR. HOSSAIN IMAM : Will Government lay a statement giving the information asked for in the preceding question about Burmans, Anglo-Burmans and Indian evacuees from Burma now serving in gazetted posts under the Government of India ?

THE HONOURABLE MR. C. M. G. OGILVIE : The information is being collected and will be laid on the table of the House in due course.

ACCOMMODATION PLACED AT THE DISPOSAL OF THE GOVERNMENT OF BURMA.

48. THE HONOURABLE MR. HOSSAIN IMAM : Will Government state the number of houses, flats and rooms handed over to the Government of Burma and its officers in Simla and the rent realised by the Government of India in the year 1942-43 from the Burma Government ?

THE HONOURABLE MR. H. TUFNELL-BARRETT : The following accommodation was placed at the disposal of the Government of Burma in Simla for the year 1942-43 :—

| | | | |
|--|----|---------------------------|---|
| 1. Residential accommodation— | | | |
| Houses | 9 | Clerks quarters | 4 |
| Suites in Government hostels | 73 | | |

2. Office accommodation 28,287 sq. ft.

The amount of rent realised for (1) was Rs. 1,08,653 and for (2) Rs. 63,667.

PAYMENT OF INCOME-TAX BY OFFICERS OF THE GOVERNMENT OF BURMA.

49. THE HONOURABLE MR. HOSSAIN IMAM : Are the officers of the Burma Government resident at present in India subject to Indian Income-tax; if not, how and for what reason have they been exempted ?

THE HONOURABLE MR. C. E. JONES : The answer to the first part of the question is in the affirmative. The second part does not therefore arise.

COST OF ACQUISITION AND IMPROVEMENTS TO THE GRAND HOTEL, SIMLA.

50. THE HONOURABLE MR. HOSSAIN IMAM : Will Government lay on the table full information (a) about the total expenditure in acquiring and rebuilding of the Grand Hotel, Simla; (b) the actual income last year, and the estimated income; (c) the supplies made to the caterer and charges made from him, if any; (d) the duration of the present contract; and, (e) whether any complaint has been received by Government against the caterer ?

THE HONOURABLE MR. H. TUFNELL-BARRETT : (a) No compensation has so far been paid for acquisition. The question is at present the subject of arbitration. The expenditure on improvements to old buildings and on new construction amounts to Rs. 11,93,334.

(b) The actual income during 1942-43 was Rs. 1,72,252. The estimated income was Rs. 1,80,000.

(c) No supplies were made to the caterer and no charges were made from him.

(d) From 16th April, 1943 to 15th October, 1943.

(e) No.

NUMBER OF OFFICERS, INCLUDING ASSISTANT SECRETARIES AND SUPERINTENDENTS, OF THE GOVERNMENT OF INDIA SECRETARIAT, BELONGING TO DIFFERENT COMMUNITIES.

51. THE HONOURABLE MR. HOSSAIN IMAM : Will Government lay on the table information on the lines of question No. 102 of 6th March, 1943 but including Assistant Secretaries and Superintendents as well on 30th June, 1943.

THE HONOURABLE MR. E. CONRAN-SMITH : The information asked for is being collected and will be laid on the table of the House. In the meantime I may inform the Honourable Member that, so far as Muslims are concerned, one Muslim Secretary and three Muslim Under Secretaries to the Government of India have been appointed since the last statement was prepared.

RUPEE DISBURSEMENTS OF THE GOVERNMENT OF BURMA.

52. THE HONOURABLE MR. HOSSAIN IMAM : Will Government state how the Rupee Disbursements of the Government of Burma are being financed? Do the Government of India or the Reserve Bank receive repayment for this in sterling from His Majesty's Government; if so, what was the amount so received last year?

THE HONOURABLE MR. C. E. JONES : The Burma Government's ordinary rupee disbursements are being financed by the Reserve Bank which is reimbursed by His Majesty's Government in sterling. The total amounts advanced and recovered by the Bank last year are not known to Government.

SUSPENSION OF PERIODICAL PAYMENTS DUE BY THE GOVERNMENT OF BURMA.

53. THE HONOURABLE MR. HOSSAIN IMAM : Have the Government of India taken any steps to recover the annual payment due from the Burma Government or have they approached His Majesty's Government to set it off against sterling due from India?

THE HONOURABLE MR. C. E. JONES : The prescribed periodical payments due by the Government of Burma to the Government of India in respect of the debt annuity and the divisible pensions have, as stated in the Explanatory Memorandum on the current year's budget, been suspended for the present; so also has the adjustment of certain credits due to the Government of Burma from India. These matters will be reviewed at the appropriate time.

20s. COUNT YARN.

54. THE HONOURABLE MR. HOSSAIN IMAM : (i) Will Government lay on the table a statement giving the following information about the 20s count yarn: (a) the price and quantity taken by the Supply Department in each month of 1942 and 1943; (b) the quantity utilised in India and sent outside in the first six months each of 1942 and 1943 and (c) the quantity manufactured in India in this period; (ii) Has any effort been made to substitute coir or jute yarns for cotton yarns in the specification of Supply Department goods, if so, what are the items and since when has this been done?

THE HONOURABLE MR. M. S. A. HYDARI : The information asked for by the Honourable Member is being collected and will be furnished to him in due course.

GOVERNMENT'S INTENTION IN REGARD TO COTTON PIECEGOODS.

55. THE HONOURABLE MR. HOSSAIN IMAM : Will Government state whether they are framing any scheme to deal with the cotton piecegoods undisposed of by the retail trade at the end of October, 1943, or do Government propose to extend

the period for disposal? Do textiles of foreign origin also come under the purview of the Government of India's orders or only Indian manufactured goods come in?

THE HONOURABLE MR. M. S. A. HYDARI: Government do not propose to extend the period for disposal. As regards a scheme to deal cotton piecegoods undisposed of by the end of October, should any action be found to be necessary after the end of October Government will take it. Cotton textile of foreign origin come under the purview of Government's orders.

WORKING OF TEXTILE MILLS.

56. THE HONOURABLE MR. HOSSAIN IMAM: Will Government lay a statement giving the following information about the working of textile mills of India by important centres on 30th June 1943: (a) total number of spindles and looms in each centre; (b) single shift average capacity of yarns by weight and cloths by yards in each centre; (c) the number of spindles and looms working double shift, treble shift, single shift and lying idle in each centre; and (d) the rationalisation scheme, if any, prepared by the mills?

THE HONOURABLE MR. M. S. A. HYDARI: Collection of the information requested in parts (a), (b) and (c) of this question would entail an amount of work which would be out of proportion to the value of the information. As regards part (d) of the question it is not for the mills to prepare any rationalisation scheme but for the Textile Control Board. The Board of which the Honourable Member is a member, has this matter under consideration.

INDIAN MEDICAL SERVICE OFFICERS HOLDING RESIDUARY POSTS.

57. THE HONOURABLE PT. H. N. KUNZRU: (a) What was the total number of I. M. S. officers holding residuary posts at the outbreak of the war under the (i) Central Government and (ii) provincial Governments?

(b) What is the total number of such officers now and what posts are they occupying?

(c) Is it intended to recall them to military duty?

THE HONOURABLE SARDAR SIR JOGENDRA SINGH: (b) (i) 30.

(a) (ii) 43.

(b) The total number of I. M. S. officers holding residuary posts now under the Central Government is 18 and under the Provincial Governments 30. A statement showing the posts held by these officers is laid on the table of the House.

(c) The position is reviewed from time to time in consultation with Provincial Governments and officers who can be spared from their civil posts are recalled to military duty.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: With regard to the answer to part (a) of the question, may I ask whether the Honourable Member is aware that an Indian officer of the I. M. S. who was Professor of Surgery in the Medical College at Lahore was reverted to military duty and a European I. M. S. officer was appointed in his place?

THE HONOURABLE SARDAR SIR JOGENDRA SINGH: I require notice of the question, but I will make enquiries and inform the Honourable Member.

Residuary posts held by I. M. S. officers.

Central Government—

1. Director-General, Indian Medical Service.
2. Deputy Director-General, Indian Medical Service.
3. Public Health Commissioner with the Government of India.
4. Assistant Director-General, Indian Medical Service (Stores).
5. Director, Haffkine Institute, Bombay.
6. Civil Surgeon, Ajmer.
7. Assistant Director, Central Research Institute, Kasauli.
8. Civil Surgeon, Simla/Delhi.
9. Civil Surgeon, Simla East.
10. Health Officer, Karachi Air Port.
11. Chief Medical Officer, Andamans and Nicobar Islands (On special duty in Bombay Jails Department).
12. Chief Medical Officer, Delhi Province.

E. A. & P. Departments—

13. Residency Surgeon, Hyderabad (Deccan).
14. Residency Surgeon, Bangalore (Mysore).
15. Chief Medical Officer in the Western India States Agency and Residency Surgeon, Rajkot.
16. Chief Medical Officer in Baluchistan.
17. Agency Surgeon, N. Waziristan—Medical Officer, N. W. Scouts.
18. Agency Surgeon, S. Waziristan—Medical Officer, S. W. Scouts.

Assam—

19. Civil Surgeon, Silchar.
20. Civil Surgeon, Dibrugarh.
21. Civil Surgeon, Shillong.

Bengal—

22. Specialist in Ophthalmology.
23. Specialist in Obstetrics and Gynæcology.
24. Specialist in Surgery.
25. Civil Surgeon, Darjeeling (now Director, Casualty Services, Bengal).
26. Civil Surgeon, Dacca.
27. Civil Surgeon, Chittagong.

Bihar—

28. Civil Surgeon, Ranchi.
29. Specialist in Mental Diseases (Ranchi).
30. Specialist in Obstetrics and Gynæcology.

Bombay—

31. Civil Surgeon, Poona.
32. Specialist in Obstetrics and Gynæcology.
33. Specialist in Surgery.

C. P. and Berar—

34. Civil Surgeon, Nagpur.
35. Civil Surgeon, Amraoti.

Madras—

36. Specialist in Medicine.
37. Civil Surgeon, Nilgiris.
38. Specialist in Surgery.
39. Specialist in Obstetrics and Gynæcology.

N. W. F. P.—

40. Civil Surgeon, Peshawar.

Orissa—

41. Civil Surgeon, Cuttack.

Punjab—

42. Specialist in Surgery.
43. Specialist in Obstetrics and Gynæcology.
44. Civil Surgeon, Rawalpindi.

Sind—

45. Inspector General of Civil Hospitals, Sind, Karachi.

U. P.—

46. Civil Surgeon, Lucknow.
47. Civil Surgeon, Allahabad.
48. Specialist in Surgery (Naini Tal).

RANKS ASSIGNED TO INDIANS AND ANGLO-INDIANS IN THE INDIAN ARMY MEDICAL CORPS.

58. THE HONOURABLE PT. H. N. KUNZRU : What are the ranks assigned to Indian and Anglo-Indian members of the I. M. D. respectively ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : All I. M. D. personnel have now been absorbed into the I. A. M. C., either as Commissioned officers or in the combined cadre of the Special Medical Section to which there will be no new recruitment. Among the commissioned officers all ranks are open to both Indian and Anglo-Indian officers and the Special Medical Section the ranks are :—

Up to 12 years service, for Indians, Subedar Class II ; Anglo-Indian, Sub-Conductor ; after 12 years service for Indians, Subedar Class I ; Anglo-Indian, Conductor.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Since both Anglo-Indians and Indians belong to the same Medical Corps why are their ranks of a different character ? Why are not the same designations used ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : The Indian Medical Department is a very old service and of very long standing and the present position is that there will be no further recruitment to the Indian Medical Department. That will cease to exist and gradually fade up as these individuals who now remain

in it pass out of the service. I will go into the question of these ranks which the Honourable Member has raised but I very much doubt whether in a dying service it is really worth upsetting the existing arrangements.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Is His Excellency aware that though the Indian Medical Department will be abolished its personnel will remain as part of the I. A. M. C. and that ranks will have to be given to the I. M. D. people who are absorbed in the I. A. M. C. whether of the higher grade or of the lower grade ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : The situation is of course that all members of the I. M. D. who are considered fit shall be given Commissions in the I. A. M. C. Those who are not considered fit will remain in the I. M. D. but as I have said the I. M. D. is a dying service and will not be perpetuated.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Will the I. A. M. C. contain Viceroy's Commissioned officers or not ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : I will require notice of that question.

STATEMENT BY SWAMI BHAWANI DAYAL AND MOHAMMAD AHMAD JADWAT ON DURBAN CITY COUNCIL SCHEMES.

59. THE HONOURABLE PT. H. N. KUNZRU : (a) Has the attention of Government been drawn to the statement issued by Swami Bhawani Dayal and Mr. Mohammad Ahmad Jadwat on the 16th July, 1943, from Bombay regarding the decision of the Durban Town Council to remove Indians from two areas which they have been occupying for generations ? Will Government give full information on the subject ?

(b) If the above-mentioned allegation is correct, what steps do Government propose to take to safeguard the rights of the Indian community in Durban ?

THE HONOURABLE MR. G. S. BOZMAN : (a) Yes. It is understood that the Riverside Scheme is not likely to be pursued. As regards the other scheme at Merebank I am informed that the land expropriated part of which is under Indian occupation, will be utilised for economic and sub-economic schemes for Indians and that the Natal Indians Association has approved the proposal. No Indians have been evicted by military authorities as alleged in the statement. (b) In the circumstances explained, no action on the part of Government is called for at this stage.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : With regard to the answer to part (a) has the information given by the Honourable Member been received by Government from their Agent in South Africa ?

THE HONOURABLE MR. G. S. BOZMAN : Yes, Sir.

RECRUITMENT TO THE INDIAN ARMY.

60. THE HONOURABLE PT. H. N. KUNZRU : What has been the total recruitment to the Indian Army since the outbreak of the war ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : It would not be in the public interest to give exact figures at this stage but I can say that the figure approaches the two million mark.

PROPORTION OF INDIAN OFFICERS TO BRITISH OFFICERS IN THE INDIAN ARMY.

61. THE HONOURABLE PT. H. N. KUNZRU : Taking into account all officers serving in the Indian Army, whether regular service officers or Emergency Commissioned officers or British Service officers, what is the proportion of Indian to British officers ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : The proportion on the 15th July, 1943 was 1 Indian to 3·7 British.

NUMBER OF UNITS COMMANDED BY INDIAN OFFICERS.

62. THE HONOURABLE PT. H. N. KUNZRU : What is the number of units commanded by Indian officers? What are the categories to which these units belong ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : Sir, on the presumption that the Honourable Member refers to units of a size normally commanded by a Lieutenant Colonel, the answer is 97.

These units comprise :—

| | | |
|--|---|--|
| Commanders of Cavalry Regiments | 1 | |
| Commanders of Infantry Battalions | 5 | Commanders of Field Medical Units |
| Commanders of R. I. A. S. C. Units | 5 | Commanders of Garrison Medical Units |
| Commanders of Ordnance Depots | 2 | Commanders of Remount Units |

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THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Does the figure of 97 include Indian officers of the I. M. S.?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : Certainly. The I. M. S. officers command the Field Medical Units and the Garrison Medical Units.

NUMBER OF INDIAN OFFICERS IN GENERAL HEADQUARTERS.

63. THE HONOURABLE PT. H. N. KUNZRU : With reference to the remarks made by the Deputy Commander-in-Chief during the discussion on the Finance Bill on the 26th March, 1943, regarding the small number of Indian officers in the General Headquarters, what steps have Government taken to increase their number ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : The number of Indian officers in General Headquarters is now 45 against 36 on the 1st March, 1943. My Honourable friend will observe that the number has increased by 9. I may add that I have every reason to suppose that this number will continue to increase as suitable Indian officers become available.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Is it a fact that a large majority of the officers in G. H. Q. are junior officers. Cannot officers of their ability be found among Indian officers ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : Actually, in what we call graded appointments of officers in G. H. Q., six are holding first-grade appointments, that is to say, as Lieutenant colonels or colonels ; nine are holding second grade appointments, that is to say, as majors ; and seven are holding third-grade appointments, that is to say, as captains : total number is 22. In the miscellaneous appointments, there are two first grade Staff Officers, two majors, 14 captains and five subalterns. The proportion is really half and half between the more senior and the more junior officers.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : What I wanted to know is this. His Excellency said that as qualified Indians became available he had no reason to doubt that they would be appointed in the G. H. Q. I therefore asked whether it was a fact that many British officers in G. H. Q. were junior officers, that is to say, officers who before their appointment were originally not above the rank of captain. Is not a sufficient number of qualified Indians already available for performing the duties which these junior British officers perform in the G. H. Q.?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : I think we ought to look at the whole field, if I may say so. The policy of G. H. Q., so far as we have been able to follow it, is to appoint officers who are not physically fit to hold active appointments in the field. There is no particular magic about G. H. Q. Quite a number of officers would rather not be engaged there.

PROPORTION OF INDIAN OFFICERS TO BRITISH OFFICERS IN THE INDIAN ARMY.

64. THE HONOURABLE PT. H. N. KUNZRU : (a) Did the Defence Secretary state during the discussion on the Finance Bill in the Legislative Assembly on the 15th March, 1943, that the proportion of Indian to British officers among the regular service officers of the Indian Army which was 1 Indian to 5.5 British at the outbreak of the war rose to 1 Indian to 4.5 British by the 3rd September, 1942 ?

(b) Did he also state that even taking into account British Service officers attached to Indian units the proportion of Indian to British officers rose from 1 to 7.5 to 1 to 4.5 ? If so, how do Government reconcile these statements ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : (a) Yes.

(b) The answer to the first part is in the affirmative. The proportions mentioned by the Honourable Member in part (a) related to the regular service officers of the Indian Army. In calculating these proportions no account was taken of British Service officers serving with and attached to Indian Army units. If such officers are taken into account, the statement that the proportion of Indian officers (i.e., regular service officers and emergency commissioned officers) to British officers (i.e., regular service officers, emergency commissioned officers and British Service officers serving with Indian Army units) rose from 1 to 7.5 per cent to 1 to 4.8 is correct.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : From the point of view of arithmetic, may I ask how the number of Indians required to raise their proportion from 1 Indian to 4.5 British officers in the first case be the same as in the second. Will not, in the second case, a larger number of Indian officers be required to raise their proportion to British officers from 1 : 7.5 to 1 : 4.5 ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: I believe the figures as given are correct. I have not worked them out myself. The real cause of the apparent discrepancy was the fact that in the original figures only the regular service officers were taken into account. The proportion of Indian officers was small, and was going to be increased as the in-take was increased at Dehra Dun. There is no attempt to hide anything.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: I have no such suspicion at all. What I have not been able to undersand is this. How can 1 : 4·5 Indian officers be equivalent to 1 : 7·5 ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: My own arithmetic is very weak. If the Honourable Member will come with me, I will get the individual who prepared the figures, and we will work them out together.

INDIAN SUCCESSION (AMENDMENT) BILL.

THE HONOURABLE SIR DAVID DEVADOSS (Nominated Non-Official): Sir, I beg to move for leave to introduce :—

“A Bill further to amend the Indian Succession Act, 1925”.

The Motion was adopted.

THE HONOURABLE SIR DAVID DEVADOSS: Sir I introduce the Bill.

THE HONOURABLE THE PRESIDENT: As regards Resolution No. 2, in view of the impending debate, I take it that the Honourable Mr. Dalal does not wish to move his Resolution ?

THE HONOURABLE MR. M. N. DALAL (Bombay: Non-Muhammadan): That is right, Sir. We will discuss it on the 12th.

THE HONOURABLE MR. P. N. SAPRU (United Provinces Southern: Non-Muhammadan): Sir, I understand from my Honourable friend Mr. Bozman that Government is allotting a special day for the discussion of the South African question. In view of the fact that we are going to get a special day for the discussion of this question, I would beg leave to withdraw the Resolution, I do not wish to move it.

RESOLUTION *RE* PAY AND STATUS OF INDIAN COMMISSIONED OFFICERS SERVING ABROAD.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (United Provinces Northern: Non-Muhammadan): Sir, I move :—

“This Council recommends to the Governor General in Council to represent to the higher authorities that the Indian commissioned officers serving abroad be paid at the same rate as the British officers in the Indian Army and that the Viceroy's commissioned officers and Indian soldiers serving abroad be paid at the same rates as persons occupying corresponding positions in the British Army serving alongside the Indian Army.”

Mr. President, I have felt impelled to raise the question to which my Resolution relates not merely because it is important in itself, but also because my recent visit to the Middle East along with some other members of the Defence Consultative Committee has made me realise its urgency. The question of the pay and the position of Indian Commissioned officers is one which relates to the entire Indian Army; but I am in this Resolution dealing only with those Indian Commissioned officers who are in the Middle East. I may be asked why it is that I have not referred to the officers that are here. Sir, there is a long history behind the question of the pay and allowances of Indian commissioned officers. While Indian cadets had to pass through the British Military College at Sandhurst, the pay and other conditions of service of Indian and British officers were the same in all respects. But when Government decided to establish the Indian Military Academy at Dehra Dun, it announced, in July, 1932, that the pay of the officers who passed through the Indian Military Academy would be lower than that drawn till then by British officers in India and by Indian officers who had passed through Sandhurst. The reason given for this in 1934 by Mr. Tottenham, who was Defence Secretary at the time, was “that the Government were preparing rates of pay and conditions of service which they considered to be more appropriate for a National Army”. Had Government really proceeded with the scheme for the establishment of a National Army in India I think that the difficulties which have now arisen because of the differences between the pay of British and Indian officers would not have arisen. But Government

Note.—The Honourable Mr. Hossain Imam was not present to move his Resolution.

[Pandit Hirday Nath Kunzru]

so far from accepting even the principle of the nationalisation of the Army, introduced a scheme which created dissatisfaction among Indian Commissioned officers and was severely criticised by Indian public opinion. It is the fruits of the policy followed by the higher authorities in this matter that we are concerned with now so far as the Middle East goes.

I have referred to the past history of the question in order to explain why it is that my Resolution does not cover the Indian commissioned officers in India. The whole country desires the establishment of an Indian National Army. If such an Army is going to be created—and we shall press for it with all the strength that we can command—the question of raising the pay of Indian officers in their own country will not arise. But if, unfortunately, we fail in our best efforts and Government, utilising the force that they have always at their disposal, trample on our aspirations and maintain the existing state of things, the question referred to in my Resolution will arise in this country too.

Sir, having given my reason for excluding the Indian commissioned officers in India, I shall proceed to deal with the case of Indian commissioned officers in the Middle East and what I shall say of the officers in the Middle East will apply, generally speaking, to Indian officers in the other forces also, i.e., Indian officers who are serving in Iraq and Iran.

Sir, the importance of the question that I am dealing with was brought to the notice of the Government about four years ago. A Committee was established early that year called the Army Indianisation Committee, the work of which was unfortunately discontinued because of the outbreak of the war. I think I may say, Sir, without giving away any secret, that if that Committee had been allowed to continue its work and to report, it would have dealt on broad and comprehensive lines with the question of the salaries of Indian and British officers belonging to the Indian Army. I think that, without being guilty of any impropriety, I may go further and say that the Committee received evidence both from Indian commissioned officers and the Commanding Officers of Indianising units showing on the whole that the complaint of the Indian officers with regard to the inadequacy of their salary was legitimate. My Honourable friend Mr. Ogilvie was a member of that Committee and I hope that he will bear out the accuracy of the statement that I have made—

THE HONOURABLE THE PRESIDENT: You say the Committee was not allowed to report.

THE HONOURABLE MR. V. V. KALIKAR (Central Provinces: General): The war broke out and the Committee could not meet.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: What I said was that the Committee was discontinued.

THE HONOURABLE THE PRESIDENT: I quite understand you now.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: The meetings of the Committee were discontinued because of the war. Although I am persuaded that the Committee to which I have referred would have dealt with the question of the salary of Indian commissioned officers in India, I am for the time being confining my attention to Indian commissioned officers who are in the Middle East for reasons which I have already explained. Sir, these officers belong to the same messes as British officers of the Indian Army belonging to their units. It will not do, therefore, to say that the salary of Indian commissioned officers serving in the Middle East should be compared with the salary of the British Service officer serving in the same region. Generally speaking, it might seem more fair to say that the salary and conditions of service of Indian officers serving in their country are the same as those of British officers serving in their country. Had Indian officers had to work side by side only with such British officers, the question that I have raised would not have arisen. But Indian officers have to work not with British Service officers but with regular British officers belonging to the Indian Army. They have to belong, as I have already said, to the messes meant for units of the Indian Army, and although they receive a smaller pay than the British commissioned officers, their expenses in connection with the messes, to take only one instance, are the same as those of British officers with a larger salary than they get. It may be said that officers, whether

British or Indian, now serving in the Middle East are getting their rations free. That, I understand, is correct. But, in order to pay for the extra things that are used in all messes, they are called upon to contribute between £6 and £8 a month. Again, the rations that are supplied are B. T. rations, *i.e.*, rations supplied to British troops. The G. H. Q. have ruled that the rations supplied to Indian troops should be supplied to such officers as want them. They have made it clear that they have not the slightest objection to the issue of I. T. rations, that is, rations given to Indian troops, to Indian commissioned officers. But the execution of the order depends on a large number of Commanding Officers of units. I understand, that generally speaking, the instructions issued by the G. H. Q. have not been properly carried out. Indian food is not banned in messes, but Indian officers are not allowed to have it as frequently as they would like. Besides, the British rations include such a thing as bully beef which is not used by Hindu and Sikh officers. There are Muslim officers too who abstain from beef. But the military authorities compel them to eat beef by saying that as their religion does not prohibit the use of beef they must either take beef or go without the substitute dish that might be given to a Hindu and Sikh commissioned officers. The substitute dishes that are given to Indian commissioned officers are generally, I understand, of a monotonous character. They consequently supplement what they get in the mess with what they can get from outside. In other words, they have to purchase things themselves from the bazar in order to satisfy their needs. In view of these facts it is clear that Indian officers, whose salary is comparatively small, are put to expenditure which is heavy expenditure which even in India is not lower than that of a British officer of the Indian Army and which is greater than the expenditure of a British officer of the Indian Army in the Middle East. I ask therefore, Sir, that so far as the Middle East is concerned, Indian commissioned officers who are serving along with British officers in the Indian Army should be placed on a footing of equality with them in respect of their salaries.

Before passing on from this question I will refer only to one other matter, and that is, the allowance that Indian commissioned officers get in the Middle East and in Iraq. These officers do get allowances when they serve outside India, either in the Middle East or in Iraq and Iran. But even so their salary is appreciably lower than that of the British officer of the Indian Army as is evident from the figures supplied by Government in answer to a question of mine on the 29th September, 1942.

My argument therefore is not weakened by the allowance that is given to Indian commissioned officers in the Middle East. British officers of the Indian Army are not given any special allowance in the Middle East because they already get a special allowance for serving outside their country. But the circumstances are such that Indian officers find it hard to bear the expenditure to which they are put in view of the special circumstances in which they are placed notwithstanding the special allowance they get.

I will now pass on to the question of Viceroy's commissioned officers and Indian soldiers. I will take up the question of the Viceroy's commissioned officer first. His Excellency the Commander-in-Chief laid papers on the table of the House yesterday to show the salaries of Viceroy's commissioned officers and of sergeants and warrant officers of the British Army. I have been supplied with what I regard as a fuller statement through the kindness of the Additional War Secretary, Mr. Hutchings. I got tables relating to the salaries of Viceroy's commissioned officers and sergeants and warrant officers from him, I believe, last month. A comparison of these two tables is instructive. The jemadar gets an initial salary of Rs. 75 which rises by increments of Rs. 5 to Rs. 100 and if he is serving in the Middle East he gets an expatriation allowance of Rs. 14 and batta of Rs. 11 per mensem; there are one or two smaller allowances, including the messing allowance which has been done away with in the case of the Indian Army, so that the entire arrangements in regard to the feeding of the troops might be taken over by the army authorities as the small messing allowance given to Indian officers was considered inadequate at a time like this when prices have risen considerably. Sir, including all these allowances, the pay of a newly appointed jemadar would amount to about Rs. 104 per month. The pay of a sergeant, including all allowances, marriage allowance, war pay, post-war credit, messing allowance and one or two smaller allowances, comes to Rs. 267-8-0 per month.

[Pandit Hirday Nath Kunzru.]

The difference is very large, too large to be considered justifiable. Now take the case of the Viceroy's commissioned officer of the highest rank, that is the subedar-major. His basic pay is Rs. 200, and he gets a personal allowance of Rs. 50, and including the allowances that are given to such officers in the Middle East he would get about Rs. 295 per month. The warrant officer, class I, would, however, get, including all allowances, Rs. 404-6-0. It is obvious, therefore, Sir, that there is a very large difference between the pay of Viceroy's commissioned officers and sergeants and warrant officers. I have asked, therefore, that the pay of the Viceroy's commissioned officer should be commensurate with the responsibility placed on his shoulders and should consequently be the same as that of persons holding similar ranks in the British Army. Sir, by far the large majority of platoon commanders in the British Army consist of King's commissioned officers. Now, I recognise that owing to the policy followed in the past with regard to the selection and appointment of Viceroy's commissioned officers, most of these officers are old by the time they are selected for promotion and are, generally speaking, men with inadequate education. It may, therefore, be said that there can be no comparison between the Viceroy's commissioned officer and the King's commissioned officer. I recognise the cogency of this argument but I do not think that this ends the matter. Sir, when Mr. Hore Belisha was War Secretary he found that there was a shortage of commissioned officers in the British Army. He therefore created the class of warrant officers who could be made platoon commanders, so that the deficiency existing in the ranks of British officers might be done away with. Now I hope it will not be questioned that the position of the Indian subedar and subedar-major can, broadly speaking, be likened to that of the warrant officer, Class I. There is, therefore, no reason in my opinion why such large differences between the pay of Indian and British officers, below the rank of K.C.O. or I.C.O., who are serving together in the Middle East should be remunerated at vastly different rates. I shall probably be told by His Excellency the Commander-in-Chief that the rates of pay prevailing in the Indian Army are suited to Indian conditions : they are adequate in the economic conditions that prevail in this country to enable the Army to get the type of men that it wants. Well, if he uses this argument today I am sure that he will not be able to use it two years hence when the enlightenment of the Indian Army on this question will have proceeded much further and their feelings on the subject too will have become much stronger.

As I have already said, Sir, I was only a few weeks ago in the Middle East. I found that the Indian officers, i.e., the Viceroy's commissioned officers there were conscious of the difference between their pay and those of officers discharging the same responsibilities as they did in other Armies. Apart from this they complained that they were getting less than the Sudanese troops did, less than the Ceylonese troops at least under certain conditions. I have not got the figures relating to the Sudanese Army with me but I understood, generally speaking, when I was in the Middle East that the Sudanese Army was being paid at higher rates than the Indians were. I was told that it was the same with regard to the Singalese troops. Indeed, I understand that some Singalese units are on British rates of pay. Now, if the facts that I have mentioned are correct, there can be no warrant for keeping up the distinctions that I have drawn the attention of His Excellency the Commander-in-Chief and the House too. The Viceroy's commissioned officers in the Middle East have proved their worth. I believe that they will remain a permanent part of the Indian Army. At any rate that they will remain for as long as we can see ahead at the present time. It is in my opinion desirable therefore that they should be chosen at a much earlier age than at present and that they should be better educated, but I cannot deal with those questions today. I am only concerned today with the question of their salary and considering all the facts that I have mentioned and the special circumstances that exist now I hope Government will see that the disparity between the rates of pay of Indian and British personnel is a source of political discontent.

I shall now pass on, Sir, to the case of Indian soldiers and I shall deal with it very briefly.

THE HONOURABLE THE PRESIDENT : Your time is nearly up.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : I shall finish my speech soon. In a statement which His Excellency the Commander-in-Chief laid

on the table yesterday he gave us figures relating to the salaries of Indian and British privates. An Indian private in the Middle East on enlistment will, if he has less than six months service, get Rs. 30 per mensem and after a year's service will get Rs. 33-8-0 including all allowances. The British private in the Middle East on the other hand will get Rs. 60 per mensem on enlistment and including the allowance that he would get if his wife were in India and the colonial allowance he would receive Rs. 86-10-0 per month excluding the separation allowance which is granted only when the husband is separated from his family. After one year his salary will rise to Rs. 75 and he will get Rs. 111-10-0 in all. It is clear, therefore, Sir, that so far as ordinary soldiers are concerned the difference is even greater than in other ranks. I know, Sir, that the Indian soldier is, generally speaking, uneducated when he is enlisted but owing to the policy, the welcome policy, followed by the Army authorities he becomes literate during a short time. Apart from this it has been admitted by all authorities that he has given an excellent account of himself wherever he has served during the present war. Again Indian soldiers serving in the Middle East are very conscious of the difference between their pay and that of British and other soldiers. They too compare their emoluments with those of the Sudanese and the Ceylonese. Their case, it seems to me, stands on an even stronger footing than that of the officers to whom I have already referred.

These, Sir, were the main facts that I wished to place before the House. The question of the salary and allowances of the officers and men of Indian Army is much wider than the question covered by my Resolution. I have good reason to believe that this wider question is receiving attention at the hands of His Excellency the Commander-in-Chief and General Headquarters. I do not, however, know when a decision will be arrived at, and it seemed to me that the case of the officers and soldiers serving in the Middle East should be considered by Government without any avoidable delay. It is a matter of great urgency that the grievances of our men in respect of their salary should be looked into and sympathetically dealt with. I appeal in this connection not merely to the Government in general, but also to His Excellency the Commander-in-Chief, because of his long connection with the Indian Army. He has been connected with the Indian Army for about 40 years, and he is held in deep respect and affection by Indian soldiers and officers wherever they may be. We had ample proof of it while we were in the Middle East. The Indian Army looks upon him as its friend, as one who would stand up not merely for its rights and privileges but also for its self-respect and dignity. It is this indeed which has endeared His Excellency more to the Indian Army than even his long connection with it and I hope, therefore, my Resolution will receive sympathetic consideration at the hands of His Excellency.

THE HONOURABLE CAPTAIN SARDAR SIR BUTA SINGH (Punjab : Sikh) : Sir, I am the only other member of the House, besides the Honourable Pandit Kunzru, who had the occasion of going to the Middle East and having the opportunity of coming into contact with a large number of Indian units ; and I do not wish to conceal the fact that the differences and distinctions in the matter of emoluments and promotions are creating a sense of grievance amongst officers, particularly when in the battlefield they are performing the same sort of duties as officers of any other country and are taking the same risks. It has been admitted that the Indian soldier and the Indian officer are second to none. I am glad to say that the sons of good families have found a career in the Army and are happy. I hope that the process that has started of taking a larger number of Indian young men in the Army will continue till the whole Army is Indianised, and that after the war our young men will be given permanent commissions so that the Indian Army may be of a size commensurate with the size of the country, because, after the war it will be necessary that our country should secure an honourable position in the world by having a good army so that we may be able to defend ourselves. I have great pleasure in supporting the Resolution of my Honourable friend Pandit Kunzru.

THE HONOURABLE MR. V. V. KALIKAR (Central Provinces : General) : Sir, I do not want to take much time of the House, as the Resolution of my Honourable friend Pandit Kunzru relates to a particular point, that is, Indian officers serving abroad. I had not the good fortune of accompanying my friends to the Middle East, but the question is also agitating the minds of the Indian officers here. The point is that if Indian officers abroad are doing the same sort of work which British officers

[Mr. V. V. Kalikar.]

in the Indian Army are doing, if in the Indian Army we have got competent and suitable educated men serving as officers and who are ready to shed their blood and who are doing the same sort of work, why should there be an invidious distinction between their pay and the pay of the British officers? I fully agree with my Honourable friend Pandit Kunzru that the exploits of the Indian officers have been praised during this war, and that the Indian officers are in no way inferior in the performance of their duties as compared with the British officers. In fact, at Keren, it is stated that the Indian officers succeeded in driving out the enemy and played their part very well.

Apart from the economic question of requiring so much money for expenditure on the Army, according to me the point is, if an Indian officer is equally able and courageous, if an Indian officer is ready to sacrifice his life, then, Sir, the Indian officer must be paid equally with British officers. I am very sorry that he feels strongly because there is an invidious distinction between his pay and the pay of the British officer for the same sort of work that both are doing. We shall have to tackle this question about Indian officers serving in India also sooner or later—I believe sooner. According to me, there is some discontent even amongst Indian officers about their pay, but that is not covered by this Resolution, and I am not going to dilate on that point. My point is that it is in the interests of Government, that it is in the interests of all of us, that there should not be any discontent about pay among Indian officers on the ground of discrimination between Indian and European officers. We must have the goal before us always: the war must be won, and won soon. So far as the Defence Services, especially those covered by this Resolution, are concerned, Government ought not to look at the question from a financial point of view in this emergency. It may be said that if Indians are given more pay, that will be a burden on the finances of the country. This is not the time to look at the question from that point of view. Under the circumstances, situated as we are, we must look at it from a different point of view, and that point of view is that there ought to be no discontent among the Defence Services so far as pay is concerned. I therefore strongly appeal to His Excellency the Commander-in-Chief to see that this distinction is removed as early as possible.

So far as the pay of the Indian soldier is concerned, that point is under the consideration of His Excellency the Commander-in-Chief, and therefore we need not dilate on that point any more. I therefore very strongly support the Resolution of my Honourable friend Pandit Kunzru.

THE HONOURABLE SIR A. P. PATRO (Nominated Non-Official): Sir, I do not think there is any difference of opinion on this question. Any one who has given any thought to this subject will necessarily come to the conclusion that this difference in the pay of Indian and British officers serving abroad is not at all justifiable. I do not think that this question before the House needs any long argument in view of the fact that His Excellency General Sir Claude Auchinleck has already indicated his sympathetic desire and has said that he has under his consideration the pay of the Indian soldier and of the Indian officer, subject to certain conditions which he pointed out rightly, namely, finance and other matters connected with other Departments. Nevertheless, we have his sympathy in connection with this matter of pay of the Indian soldier and Indian officer. Sir, there are three classes of Indian officers serving abroad, namely, those that have been recruited directly under the old system, trained in Sandhurst, those that have been trained in the Military Academy at Dehra Dun, and those that have been recruited on Emergency Commissions and by selection. After some training they are placed in charge of platoons or companies or units. These Indian officers hold equal position of responsibility with the British officers.

I could not take advantage of the opportunity to fly to Iraq and Iran, but I have had the opportunity of coming in contact with a number of British and Indian officers who have been coming to the East Coast and I had talks with them on friendly terms. All of them unanimously assured me that this question of the pay of Indian officers abroad is a very important question and that the pay should be equalised since the grievance exists among Indian officers. This is the opinion of British officers, majors and lieutenant-colonels, with whom I came in contact, and whose opinions I value. They, from their experience and knowledge of things think it very desirable that this inequality should be removed as early as possible. They said,

"Oh, poor devils, they are not able to make both ends meet. They have to keep up their position along with us and find themselves in a very great difficulty. Therefore, it is necessary that something must be done to relieve the situation". That is the experience given to me by British officers who have known the Indian officers. The Indian officers too, who came on leave, were not so much complaining as explaining to me the circumstances that exist outside. In connection with their food and other arrangements they have no complaints to make. They said they were very happy. In social matters they all work in a brotherly spirit. There is absolutely no difference made about food and rations. They are opposed to any sort of separate rations being given to Indian officers. They do not want to isolate themselves. Nor did they want to form a caste in the military. They would like to mess in the same messes and carry on the work with their British brethren and not ask for any separate rations or separate treatment. Therefore, I am sure that the majority of the Indian officers who are serving abroad or in India are willing to have the same kind of mess and take part in the mess arrangements as they do now. There may be a very few people who may not like the particular arrangements of the mess, but in such cases it cannot be helped. They must give their service to the country and they must forget all this narrow-mindedness, all this kind of caste spirit. Caste must disappear. Until we kill the caste we cannot have a National Army. Today accounts have been given to us of Indian soldiers in the Middle East and in the desert of Africa mixing with American soldiers and soldiers of other countries and of their finding no difficulty whatsoever in the matter of food or caste observances or ceremonies. To me it seems that having separate arrangements for food is an absurdity in army matters. These people must sink all their small differences and a free independent social atmosphere must prevail in the army. Otherwise there can be no National Army at all. As regards the formation of a National Army, the Resolution does not raise the question of the salary of the Indian officers serving in the Indian Army in India. The Honourable Mover confined himself in his speech to Indian officers serving in Iraq and Iran. While the wording of the Resolution is more comprehensive, the Honourable Mover in his speech limited it to Indian officers serving abroad. I am sure that every Britisher, not saturated with ideas of British India, will agree that it is desirable that the Indian officer should not be made to feel that he is in any way inferior to the Britisher. This has a very unhealthy effect upon the Indian mind. After all, India has to meet the bill. We know that India has met the bill in many other ways. Whatever the bill may come to, Rs. 5 crores or Rs. 10 crores more, I think that India will be prepared to help for the growth of a healthy spirit among the Indian officers, so that a real National Army could be gradually developed. I am sure that with such sympathy as His Excellency the present Commander-in-Chief has shown in his attitude towards the growth and development of a healthy Indian Army, we may expect in course of time that he will be able to work this what I would call miracle. For years and years a policy has been pursued on grounds of superiority and domination, but now I hope a change will take place. It cannot take place in a day or in a year. It will have to take place gradually and when we achieve the ideal of a National Army, it will be a great satisfaction that we will have Swaraj. Until then it is useless to hope for anything better. This question of the Indian Army on proper lines is a very important question compared to other political matters. Unless we can defend ourselves, unless we have got an army, officers to command the army, and officers of experience to defend us, there is no use of saying that we will have independence or Swaraj. Therefore to my mind it seems that this Resolution has got my support and every one who is thinking of the question from the national point of view and the point of view of how to make the British and Indian officers feel equal in time of war or at any other time. I have therefore great pleasure in supporting the Resolution, restricted as it is, and I am sure His Excellency the Commander-in-Chief will also express great sympathy with the spirit of the Resolution.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadian) : Sir, I rise to support the Resolution which my esteemed friend the Honourable Dr. Kunzru has moved. I had occasion to meet many officers and men who have come from the war theatres and I cannot avoid saying that they all think that when their legitimate demands are not met during the war they have absolutely no hope of their being met in the near future. My friend Sir A. P. Patro has made

[Rai Bahadur Lala Ram Saran Das.]

some religionless observations. It is religion which prompts everyone to serve his King and country. Those people who have no religion will only serve for the money and nothing else. Sir, I have no faith in the loyalty of those who ignore religion. This is the time, Sir, when people who are willingly shedding their blood for their King and country should be satisfied, and their legitimate grievances met. Soldiers with whom I had the pleasure of talking said that our popular Commander-in-Chief exerted to avoid colour discrimination and those who have returned from the Desert speak in very high terms of His Excellency Sir Claude Auchinleck but the colour discrimination notwithstanding his efforts still arises there. As regards the National Army in which there should be no discrimination of food, that I should say is only an ideal. Even now the majority of people serving in the army do not want food which their religion prohibits. If you ask any Muslim, Sikh or Hindu to take prohibited food, he will never agree. There are exceptions, because nowadays there are people who profess no religion. I would, therefore, strongly request His Excellency Sir Claude Auchinleck to expedite this decision and to avoid the grouse of Indian officers and men who are shedding their blood in the field and meet their legitimate grievances. The view that they hold is that if this legitimate demand is not met now it will never be met.

With these words, I strongly support the Resolution.

THE HONOURABLE SAYED MOHAMED PADSHAH SAHIB BAHADUR (Madras : Muhammadan) : Sir, I support the Resolution so ably moved by my Honourable friend Dr. Kunzru and I am in entire agreement with all the observations that he has made in support of it. I feel that he has made a very strong case. Whatever might have been the reasons for making any difference between the pay of the Indian soldier and the British soldier in the past, those reasons do not hold good now. It is surprising that even at this hour of trial, at this critical hour, when the whole world has been caught up in the catastrophe of this war, this total war, and it is necessary that whatever loyalty and patriotism is available should be harnessed for the service of the country and the Empire, this distinction is still kept up. This distinction is a source of evil, great evil. It is dangerous in two ways. It is dangerous because it tends to introduce a feeling of inferiority, inferiority complex, in a section of the army that is fighting the battle of the country. It is dangerous in this respect also that it is likely to impair the feeling of loyalty in the troops that are fighting the battle of the Empire. You expect the same service from all armies which are engaged in the war. You expect the Indian soldier to lay down his life, to be prepared to take all risks, in a total war like the present. And what is the justification for making any difference between the treatment given to the Indian and the British soldier? Sir, I have very great respect for my Honourable friend Sir A. P. Patro. But I cannot support the view which he has expressed in regard to the food to be supplied to the Indians. I am in agreement with him in respect of what he said as regards the elimination of the distinction between man and man in this country. But I am one of those who really would wish that there should be no superior caste, or inferior caste, that we should do away with the distinction of superior and inferior caste in this country. But at the same time I hold—and hold very strongly—that we should not do anything which will go to lacerate the feelings of any people in respect of religion. If anyone has a religious objection to a particular kind of food, then that food should not be forced down his throat. Every attempt should be made to see that every body is given the facility to have the same kind of food which his conscience or his habit requires him to take. After all, food is not the only way in which equality is secured. Equality is secured in other ways also. If it is not possible for different messes to be arranged for different people, the Honourable Mover has suggested that every facility should be given to the Indian soldier to satisfy his requirements by supplementing what he gets at the common mess. The best way to do that would be to raise his pay. And for thus supplementing his food, the Indian soldier serving abroad has got to incur extra expenditure, expenditure which is not necessary for the British soldier, and to help him to meet this extra expenditure it is necessary, it is only fair, that we should give him a higher pay, and far from that as things now are the Indian soldier gets much less than his British comrade. It is high time that this invidious distinction is done away with and equality of pay secured.

Sir, I would not be satisfied with mere lip sympathy. I would request that an earnest and sincere endeavour be made to do away with the distinction. I am glad that now we have got in our House our old and honoured colleague, His Excellency Sir Claude Auchinleck who, I know, is very sympathetic and has always been endeavouring to meet the wishes of this side of the House. I feel sure that His Excellency will do his best to see that the distinction is done away with at once and the loyalty and patriotism of the Indian soldier, who is fighting the battles of the Empire so valiantly in different theatres of the war, is compensated by justice being done to him, even though at this late hour.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: Sir, I have listened with great interest to the speech of my Honourable friend the Mover of the Resolution and to the speeches of other Honourable Members on this subject. Some of those speeches, if I may say so, appeared to me to go beyond the terms of the Resolution, but they were none the less interesting and I hope that I have benefited by them. I propose, in replying to the Resolution, to confine myself to the terms of the Resolution, but I would like to say at once, before I say anything else, that so far as the motive of my Honourable friend the Mover of the Resolution is concerned I am in entire sympathy with him because I am quite sure that it is his genuine desire to improve the welfare, the contentment and the happiness of the officers and men of the Indian Army. If that is his desire—and I am sure it is—I am entirely with him. How this object can be attained is another matter. The proposals in the Resolution are far-reaching enough but as I have said before they only cover a very small part of the field. There are many other proposals of a similar or connected nature at present under my consideration and all those proposals, I am afraid I must say, are bound up, very closely bound up, with the economic situation prevailing in the country as a whole. They cannot be separated, however much we may like to separate them. Well, as we all know, the economic situation is at the present moment causing considerable anxiety but I propose to say no more about it now. I do not propose to go into details, but I would rather discuss the Resolution on matters of principle.

It is well known that discrepancies exist, discrepancies such as have been alluded to by the Honourable the Mover of the Resolution and by the other Honourable Members. These discrepancies exist; that is well known. They have existed for some time. It is also well known that as a result of these discrepancies there is among certain classes of officers certainly, possibly of men also, a certain amount of dissatisfaction with their position. That is common knowledge; I do not attempt to dispute that. But there are wider considerations which I think require to be gone into and thought over.

Now, to take the Resolution as it stands, it falls under three main heads. The first concerns the pay of the Indian commissioned officer serving abroad—not in India but abroad—his pay compared with the pay of the British officer of the Indian Army serving abroad alongside him, that is to say in the same unit and possibly in the same battle. That is the first part of the question as I see it. The second part deals with the pay of the Viceroy's commissioned officer serving abroad compared with his opposite number, that is similar people holding similar positions in the British Army serving abroad alongside him in the Middle East. The third part concerns the pay of the Indian soldier, that is to say, the pay of the non-commissioned officers and of the men serving abroad in the same conditions alongside the British Army. As I see, those are the three heads of this Resolution and I propose to deal with those three heads separately.

The Resolution, you may notice does not urge the introduction of the same rates everywhere but only in the Middle East and I think the Honourable the Mover included Persia and Iraq as well; well they are practically the same place, almost the same theatre. For those serving abroad it is of course possible to make special allowances, special overseas allowances for both officers and soldiers and that is done in many cases, but it seems to me, again sticking strictly to the terms of the Resolution, that if you are going to introduce very largely increased rates for Indian officers and Indian soldiers serving abroad and do not apply those rates to the same people, the same class of people, serving in India, that would create, to my mind, an impossible situation at once. I do not see how it could possibly work. The soldier returning from abroad, or the officer returning from abroad, would at once have to

[His Excellency the Commander-in-Chief.]

drop his increased pay and come down to very much lower rate of pay. That will make him extremely dissatisfied. Those who have not been sent abroad would I think at once begin to clamour that their pay should be raised to a rate comparable to that of their comrades serving abroad. Now serving abroad is not a matter of chance; it is a matter of being ordered. That will happen also in India and in other places where the Indian Army is serving alongside the British Army, that is Burma, Ceylon and other places too, Aden for instance, where Indian soldiers are serving alongside the British soldiers and doing exactly the same work. They would also ask to be considered equally with their comrades serving in the Middle East.

Well, as I have said before on many occasions, no one is more concerned with the welfare and contentment of the Indian Army than I, and I take the point made by my Honourable friend, Lala Ram Saran Das, that practical sympathy is required, not lip sympathy. I take that point. If you are going to have an efficient army, you must have a contented army: without reasonable contentment in the army you will not have efficiency. And it is my business to ensure that the Army is content; and with your help I propose to ensure it. But this contentment must be reached by means which are within the bounds of reason, and within our capacity to achieve. The theory that men doing the same job, that is, fighting side by side, in the same battle, undergoing the same hardships, serving in the same places,—the theory that these men should be all given the same pay and treated exactly in the same way cannot be gainsaid; no one, I think, will dispute that theory. But, Sir, this is a world of hard facts, and that theory cannot so easily be put into practice.

I think we should clear our minds about the principles which may be said to govern the rates of pay received by an army, whether in peace or in war. It seems to me that possibly—I do not know for certain—my Honourable friend the Mover had in mind that the prestige of the Indian Army abroad suffered by being paid at lower rates. If so, I cannot bring myself to agree with him that prestige depends upon pay. I am sure it does not, and I am sure that the Germans and the Italians whom we fought in Africa did not think so either. It seems to me that it is impossible to fix the rates of pay of an army by comparison with the rates of pay paid to other armies, even if both these forces or armies are part of the same general army and fighting on the same front side by side, with the same object. I think this applies whether the troops concerned come from different parts of the British Commonwealth or whether they come from different Allied countries such as America, China and other countries which are providing troops to fight the common enemy. I think it applies in all cases. It seems to me that the pay of an army must be connected with, and cannot be separated from, the general cost of living in the country from which the soldiers come and the general emoluments paid to people in civil life in the countries from which the soldiers come. I do not see how you can separate the pay of an army from those two factors. To put it rather bluntly, it is a matter of supply and demand, and has always been. Even in conscript armies it is a matter of supply and demand. Even in a conscript army the pay is related to the factors which I have just mentioned, because public opinion, even in those countries which have conscript armies, will force the Government to pay its soldiers at reasonable rates, that is to say, rates comparable with those which they are accustomed to receive and live on in civil life.

Well, the first step is to attract your recruit. And to attract him, you offer him pay which you think is reasonable and which is likely to produce the number of men you require. That is the first step. Now, having got your recruit and turned him into a soldier, it is your business and my business—the business of all of us—to see that, having become a soldier, he is paid at such rates as will keep him reasonably contented and enable him to maintain himself and his family in the way in which he is accustomed to do. That seems to me to be the crux of the matter. I grant you that the pay which was originally fixed some years ago may not be adequate today, and may require revision. And this process of revision of pay has been going on constantly since the war, not only in the Indian Army, but in other armies as well. As I said, if we are to have an efficient army, we must keep the soldier contented, once he has been enlisted: When I say soldier, I mean the officers

as well—we take soldiers as a whole. It has been my constant care and particular concern to see that the officers and men are kept contented so far as in me lies.

The Resolution presumably was not based on the principle I have mentioned, because, if it had been, it would have referred not only to soldiers serving in the Middle East, but also to soldiers serving everywhere else. In fact, I think the Honourable Member admitted that; and certainly several other Honourable Members mentioned it in their speeches.

Well, when you compare the different habits of life and the different standards of life obtaining in the various countries from which Allied soldiers come—when I say Allied, I mean Indian, American, British, Australian, New Zealanders, and many, many others—I think you will find it extraordinarily difficult to fix flat rates or similar rates, for all these soldiers, wherever they may come from. I will touch upon that point again later.

To take these three classes. The Resolution speaks first of all of Indian commissioned officers. The facts are these. The British officer of the Indian Army serving in India gets what is called the Indian Army allowance. I will not go into details about it: I think you all know about this special allowance paid to the British officer because he is serving all his life out of his own country. Whether it is justified or not, that does not matter: there it is. He gets nothing extra when he goes overseas. He does not get overseas allowance when he is sent overseas. The Indian officer, on the other hand, although he does not draw the Indian Army allowance, because he is a native of India, when he goes overseas he gets what is called the colonial allowance, on the same scale as is given to officers of the British Army when they leave the United Kingdom for service overseas. As a matter of fact, that colonial allowance differs in each country according to what is supposed to be the cost of living in those countries. It is a peace-time arrangement; the allowance is paid, according to the status of the officer in peace-time, in the various countries to which he may be sent. It has been perpetuated in war-time, not always with very happy results; but there it is. As a matter of fact, as the result of drawing this colonial allowance, in certain cases, for instance, in Iraq, some Indian officers are drawing more pay than the British officers of the same units serving in that country. As I said, in various countries it acts differently. But it is a fact that sometimes it produces a situation where an Indian officer is drawing more than a British officer of the same unit. I do not think I need say anything more about it.

So far as the Viceroy's commissioned officer is concerned, there is no parallel with the Viceroy's commissioned officer in the British Army. It is generally true to say that the functions of the Viceroy's commissioned officer are to command platoons and troops, and similar organisations; that is to say, he is a sub-unit commander, generally commanding about 30 to 50 men, or some equivalent unit. In the British Army, as the Honourable Mover rightly said, Mr. Hore Belisha at one time tried to substitute non-commissioned officers and warrant officers for commissioned officers as platoon commanders. That experiment failed—and some time ago it was dropped; and the command of the platoons and similar small units was again made the responsibility of commissioned officers, that is to say, in the British Army, commissioned officers carry out the same duties as Viceroy's commissioned officers—jemadars, subedars, risaldars—in the Indian Army. It is, however, wrong really to compare Viceroy's commissioned officers with sergeants or warrant officers. If you are going to compare them, you ought to compare them with platoon commanders. I grant you that in doing that the discrepancy becomes even greater. But there it is; you cannot get away from it. If you want the Viceroy's commissioned officer serving abroad—in the Middle East, according to the terms of the Resolution—if you want to put him on an equal footing with his opposite number in the British Army, if you are going logically about it, you will have to promote him to be a lieutenant and give him the same pay as the commissioned officer receives. I do not think that is a practical scheme at all. I do not think it will work. The Viceroy's commissioned officer holds a special place in the Indian Army such as is held by nobody in any other army and I do not think we can do without him. I do not say it is the only possible system, but it is the system and to alter it now would be, to my mind, impossible. What may happen

[His Excellency the Commander-in-Chief.]

after the war I do not know. But I should be very sorry to see this class of Viceroy's commissioned officers disappear. For many years, in many battles and campaigns, they have made a name for themselves as the mainstay and prop of the Indian Army, and without them it would be extremely difficult to carry on. It is a class which is respected everywhere and is practically indispensable and I hope that nothing will be said or done by anybody to detract from their status or from their position. Without them the Indian Army would be a very difficult army to run.

Now, to come to the other ranks, the third head of the Resolution, the Resolution again appears to urge—it looks as if it urges—that all soldiers serving in the same theatre of war should get the same pay. You could carry this forward to its logical corollary and say that all other ranks the world over, who serve side by side, should get the same pay. You might carry it even further and say that all armies in the world, whether they are on this side or on that side, should get the same pay. You might come to the position when the enemy might go on strike. That might be one way of ending the war. But I do not think really that is practical politics.

These are the three heads of the Resolution and I have kept strictly within the terms of the Resolution.

I do not want to detain Honourable Members any longer. I am afraid I must repeat my conviction that the pay of the soldier cannot be regulated by the pay of soldiers of other Armies coming from countries in which conditions of life are quite different. The pay, I think, must continue to be based on the laws of supply and demand. As I say, you have first to secure your recruit, and having secured him you have to keep him contented and efficient. In saying this I do not wish to appear hard-hearted. In fact, I am not. I am not unsympathetic. Far from it. So far as my Honourable friend the Mover seeks to assure for my comrades in the Indian Army the proper reward for their services I am with him now and always. This has always been, is and always will be my constant endeavour so long as I remain here. But I am sure he will realise and I am sure Honourable Members will realise that my hands as Commander-in-Chief are not free. I do not stand *in vacuo*. I have many colleagues with whom I have to confer and whose arguments I have to listen to. Some of those arguments are extremely strong. As I said before at the beginning of my speech, this is only one of the many problems which are at present under my consideration. All these problems are related one to another and it is for me to see how far they can be solved with your help. The general economic situation in the country I have already referred to. We all wish to be generous, but hasty generosity, not properly considered and not properly digested, however attractive it may be and however one could wish to put into effect, might defeat its own object and cause much greater suffering and discontent in the end. Therefore, I think it is necessary in all these matters to consider them very carefully and to go slowly. As I said before, I do not think the matter can possibly stop at the limits suggested in the Resolution and the implications of extending the measures proposed in the Resolution to the whole of the Indian Army are really tremendous and almost incalculable. The sums involved are very great indeed. I purposely refrained from mentioning the financial side of the business because I do not wish to base my arguments on that. I am trying to base my arguments on principle and common sense. Perhaps I have not succeeded. There is the financial aspect also to consider and as I said, the cost would be very great indeed.

Sir, I do again assure my Honourable friend the Mover that the improvement of the conditions of service of the officers and men of the Indian Army is and will remain my constant and anxious care so long as I hold my present position, and with this assurance I would like to ask my Honourable friend to withdraw his Resolution.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Mr. President, I took care in moving my Resolution to explain why I had dealt only with the question of the I. C. Os. and V. C. Os. and soldiers serving in the Middle East. I pointed out, Sir, that all questions relating to India could be considered only with reference to the establishment of a National Army. If a National Army is going to be established here, the rates of pay and allowances would have to be such as would be appropriate to such an army. But a National Army does not exist at present, and if Government are not going to take early steps to create a National Army, then the questions of

which I have spoken will arise in this country also. I referred to the Army Indianisation Committee and pointed out that there was dissatisfaction among the I. C. Os. with their present rates of pay even in peacetime and that it was felt that owing to their having to undergo the same expenses as the British officers who set the standard of expenditure in the messes and elsewhere, their pay was inadequate to meet their obligations. As long as the present state of things with its two kinds of officers of different races lasted, the difficulty that I have drawn attention to will continue to trouble us. But I do not think that the fact that my Resolution may be taken advantage of by men who are not at present in the Middle East should be a bar to the acceptance at least of the spirit of its spirit. His Excellency has in general terms said that it will be his constant endeavour while he is at the head of the Army here to bear the questions that I have dealt with in mind. But I personally do not regard such an assurance as sufficient. The observations that fell from His Excellency with regard to the general canons that should guide the authorities in fixing the pay of different classes of their servants in the Army and of approximating them to the pay which would be received by men occupying the same status in civil life may, theoretically speaking, be regarded as sound. But here again if the conditions in India remain what they are for a long time, the Indian soldier will no more remain contented with his present position than the Indian officer is. Theoretical comparisons will not satisfy him. I have drawn attention to the difficulties of the officers and men in the Middle East because they can be regarded as a category by themselves and Government can even during the war take steps to show that they mean to create rapidly a National Army in this country. If they take such steps they will find that the repercussions of the acceptance of my Resolution will not be of the same character as His Excellency the Commander-in-Chief fears. When people realise that the character of the Army is going to be changed, that it is going to be placed on the same basis on which the British or any Dominion Army rests, all questions relating to it, whether they concern officers or men, will begin to wear a different complexion. But if the present state of things continues, and continues indefinitely, then as I have said more than once, the questions which I have dealt with in regard to the officers and men in the Middle East will arise also in regard to the officers and men in India. That is the danger of the present situation and the way to deal with it is not to refuse to consider the legitimate grievances of the officers and men in the Middle East but to change the prevailing policy in regard to the Army in India. I feel, therefore, that in spite of the fact that my Resolution does not refer to the whole Indian Army but deals only with that particular part of it which is serving abroad, there is no reason why on the merits it should not be accepted. It is perfectly true, as His Excellency pointed out, that the Resolution refers not merely to the Indian Army in the Middle East but to Indian officers and men wherever they may be outside their country and it is for this reason I drew attention to the Ceylonese rates of pay and to the equality of Ceylonese units with British units in the matter of salary. I think, Sir, that whatever objections might be urged against my Resolution it must be admitted by the military authorities that the demands of the officers and men at the present time are based on just grounds and that the principle underlying the changes which they ask for should be accepted by the authorities concerned. His Excellency the Commander-in-Chief is prepared to keep the object of the Resolution that I have in view in mind. But unless he accepts the principle underlying it what will guide him in the consideration of this important question? It is only when he accepts the principle underlying it that we can have a reasonable assurance that the question will be dealt with in a proper way and sound conclusions arrived at. As such an assurance has not been forthcoming, I regret that, in spite of the high regard that I have, if I may say so, for His Excellency the Commander-in-Chief, I cannot withdraw my Resolution.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: Sir, I formally oppose the Resolution.

THE HONOURABLE THE PRESIDENT: Resolution moved:—

“This Council recommends to the Governor-General in Council to represent to the higher authorities that the Indian Commissioned officers serving abroad be paid at the same rate as the British officers in the Indian Army and that the Viceroy's Commissioned officers and Indian soldiers serving abroad be paid at the same rates as persons occupying corresponding positions in the British Army serving alongside the Indian Army.”

[The President.]

Question put : the Council divided :

AYES—10.

Ataullah Khan Tarar, Hon. Chaudhri.
Chettiyar, Hon. Mr. Chidambaram.
Das, Hon. Mr. N. K.
Kalikar, Hon. Mr. V. V.
Kunzru, Hon. Pandit Hirday Nath.

Maitha Hon. Rai Bahadur Sri Narain.
Padshah Sahib Bahadur, Hon. Saiyed
Mohamed.
Ram Saran Das, Hon. Rai Bahadur Lala.
Sapru, Hon. Mr. P. N.
Yuveraj Datta Singh, Hon. Raja.

NOES—24.

Bozman, Hon. Mr. G. S.
Burder, Hon. Mr. J. H.
Charanjit Singh, Hon. Raja.
Chinoy, Hon. Sir Rahimtoola.
Commander-in-Chief, His Excellency the.
Conran-Smith, Hon. Mr. E.
Das, Hon. Rai Bahadur Satyendra Kumar.
Devadoss, Hon. Sir David.
Ghosal, Hon. Sir Josna.
Hissamuddin Bahadur, Hon. Lt.-Col. Sir.
Jogendra Singh, Hon. Sardar Sir.
Jones, Hon. Mr. C. E.
Khurshid Ali Khan, Hon. Nawabzada.

Lal, Hon. Mr. Shavaz A.
Mahomed Usman, Hon. Sir.
Menon, Hon. Sir Ramunni.
Mukherjee, Hon. Sir Satya Charan.
Ogilvie, Hon. Mr. C. M. G.
Parker, Hon. Mr. R. H.
Roy, Hon. Sir Satyendra Nath.
Sobha Singh, Hon. Sardar Bahadur.
Srivastava, Hon. Sir Jwala Prasad.
Tufnell-Barret, Hon. Mr. H.
Wood, Major-General the Hon. E.

The motion was negatived.

RESOLUTION RE RECONSTITUTION OF THE HINDU LAW COMMITTEE.

THE HONOURABLE THE PRESIDENT : Mr. Maitha, will you please only read your Resolution today. As we have got only one more Resolution on the next non-official day I shall allow the discussion of your Resolution on that day. If you will read the Resolution now you will get priority for your Motion.

THE HONOURABLE RAI BAHADUR SRI NARAIN MAITHA (Bihar : Non-Muhammadan) : Mr. President, I would like to seek your permission to move my Resolution in a very slightly amended form.

THE HONOURABLE THE PRESIDENT : What is the change ?

THE HONOURABLE RAI BAHADUR SRI NARAIN MAITHA : I would like to replace the word "reappoint" by —

THE HONOURABLE THE PRESIDENT : You should remember to always inform the Chair well in time if you want to make any amendment after the Resolution is once admitted and brought on the List of Business.

THE HONOURABLE RAI BAHADUR SRI NARAIN MAITHA : I am sorry Sir, I should have done that. But in order to arrive at a greater measure of agreement between my colleagues I have discovered first now that I should agree to replace the word "reappoint" by the word "reconstitute" and to omit the words starting from "originally" and ending with the figure "1941".

THE HONOURABLE THE PRESIDENT : I will allow that, but will you please give a copy of the amended Resolution to the Secretary.

THE HONOURABLE RAI BAHADUR SRI NARAIN MAITHA : I shall certainly do so. I shall now, Sir, with your permission, read out the Resolution as I would like to move it in the amended form :—

"This Council recommends to the Governor General in Council to reconstitute the committee commonly known as the Hindu Law Committee and to charge this committee with the work of suitably amending and codifying the Hindu Law in all its branches so as to enable Government to place before the Central Legislature necessary legislative measures for due enactment as early as possible."

The Council then adjourned till Eleven of the Clock on Wednesday, the 4th August, 1943.

COUNCIL OF STATE

Wednesday, 4th August, 1943.

The Council met in the Council Chamber of the Council House at Eleven of the Clock, the Honourable the President in the Chair.

QUESTIONS AND ANSWERS.

REFUGEES IN INDIA.

65. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH : Will Government state how many war refugees are being supported by India ; and how many of them belong to what countries ? What approximately is the monthly expenditure which falls on Indian revenues on this account ?

THE HONOURABLE MR. G. S. BOZMAN : The exact number of refugees now in India is not available. It is estimated that they are more than 5 lakhs. Of these, the majority are Indians from Burma. The number of non-Indians is approximate by 9,560. A statement showing the countries from which they came to India is laid on the table. Of these non-Indian refugees, about 5,000 are receiving financial assistance but the Governments of the countries whose subjects they are have agreed to reimburse to the Government of India the expenditure incurred on them from the Indian revenues. Accordingly, the expenditure on European British subjects from all countries except Burma is debited to His Majesty's Government. In the case of European, Burman and Anglo-Burman evacuees from Burma, the expenditure is debited to the Government of Burma. The expenditure on Poles and on subjects of the Netherlands East Indies is already being recovered from time to time from the Polish Government and the Royal Netherlands Government. The expenditure on evacuees of other allied or neutral foreign states is recovered through the Consuls of the countries concerned. The expenditure on Indians is between Rs. 7 and 8 lakhs every month.

Statement showing the number of non-Indian refugees and the countries from which they came to India.

| Number of evacuees — | |
|--|-------|
| (a) From Balkans | 1,079 |
| (b) From Malaya | 1,797 |
| (c) From Burma | 2,632 |
| (d) From Turkey | 602 |
| (e) From Port Blair | 22 |
| (f) From Southern Russia | 8 |
| (g) From China | 29 |
| (h) From Iraq | 122 |
| (i) From Japan | 27 |
| (j) From Ceylon | 15 |
| (k) From Afghanistan | 1 |
| (l) From Australia | 3 |
| (m) From Poland | 2,636 |
| (n) From Netherlands East Indies | 15 |
| (o) From Countries not known | 571 |
| | 9,559 |

or 9,560 approximately.

PEGGING LEGISLATION IN SOUTH AFRICA.

66. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH : Will Government state what action retaliatory or otherwise they have taken or propose to take with regard to the Natal Pegging Act which is so gravely detrimental to Indian interests in South Africa ?

THE HONOURABLE MR. G. S. BOZMAN : Government will initiate a discussion on the subject today and I would request the Honourable Member to await that discussion.

NUMBER OF INDIANS WHO ARE PRISONERS OF WAR IN GERMAN AND ITALIAN HANDS.

67. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH : Will Government state approximately how many Indian prisoners of war are at present in German and Italian hands in Europe ; and what facilities and considerations are given to them ?

THE HONOURABLE MR. C. M. G. OGILVIE : The total number of Indian prisoners of war in German and Italian hands as on 31st May, 1943, was 12,777.

Representatives of the Protecting Power and of the International Red Cross Committee pay periodical visits to prisoners of war camps in Europe, including those in which Indians are detained. If any unsatisfactory feature calling for action is disclosed by their report suitable representations are made by H. M. G. through the Protecting Power. So far, no special feature peculiar to Indians has come to notice and the treatment accorded to Indians is generally speaking, the same as that given to other Imperial prisoners of war.

To make up for the deficiency in the rations issued by the enemy Governments the Indian Comforts Fund, London, a branch of the Indian Red Cross Society, despatches special Indian foods at the rate of one parcel per week for each prisoner of war, irrespective of rank, and also arranges for the supply of special foods to invalids. This Section also arranges for the supply of books, games and articles of clothing to Indian prisoners of war, while the War Office arrange for the distribution of boots when necessary, from their stock at Geneva through the International Red Cross Committee. The Indian Red Cross Society have also despatched a large number of books from India for Indian prisoners of war.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Who is the Protecting Power ?

THE HONOURABLE MR. C. M. G. OGILVIE : Switzerland.

COST OF MARTIAL LAW IN SIND.

68. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH : (a) Is it a fact that the cost of martial law in Sind is going to be borne by the Central Government?

(b) Why do not Government realize the cost of martial law from those in Sind whose criminal misdeeds brought about the introduction of martial law in that territory, in the same way as Government have realized collective fines from those who were believed to have been responsible for the August disturbances last year ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : (a) and (b) The question of a contribution by the Government of Sind towards the extra cost involved in the employment of the troops in the areas in which Martial Law was proclaimed is under correspondence with that Government. The remaining parts of the question do not arise.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Is there any previous instance in which the Government of India have borne such expenditure on behalf of a province ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : I should like to have notice of that question, Sir.

COST OF MAINTAINING THE KAZAKS.

69. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH : Will Government state on whom the cost of maintaining the Kazaks in India will fall ?

THE HONOURABLE MR. C. M. G. OGILVIE : The Government of India will bear the cost already incurred. It is not expected that further expenditure will be incurred, except for certain recoverable loans.

THE HONOURABLE RAI BAHADUR SRI NARAIN MAHTHA : What was the total number of Kazaks who came to India originally ?

THE HONOURABLE MR. C. M. G. OGILVIE : Originally, I think, the number was somewhere in the vicinity of 2,000.

THE HONOURABLE RAI BAHADUR SRI NARAIN MAHTHA : Where have they been sent ?

THE HONOURABLE MR. C. M. G. OGILVIE : Five hundred and eighty-eight have been sent to Bhopal. The remainder have dispersed of their own accord in country bordering on the Abottabad District of the N. W. F. Province.

THE HONOURABLE RAI BAHADUR SRI NARAIN MAHTHA : Have residential quarters been provided to them at Government cost ?

THE HONOURABLE MR. C. M. G. OGILVIE : A camp was provided for them, while they were at Abottabad, at Government cost.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Was the total number of Kazaks only 2,000 ?

THE HONOURABLE MR. C. M. G. OGILVIE : I am not sure as to the exact number which originally came to Abottabad, but that is my memory. I will look it up and give the Honourable Member exact figures if he wishes.

SUPPLY OF STORES FOR THE NORTH AFRICAN CAMPAIGN.

70. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH : (a) Are Government aware that the United States Office of War-Information has published a report on or about the 3rd June, 1943, in which it is pointed out that during the first two and a half years of the North African campaign, India was responsible for supplying this war theatre with the bulk of its stores, while the Fourth Indian Division "played a magnificent part in smashing Mussolini's Africa Empire, and in the rout of the Afrika Korps" ?

(b) Is it a fact that as regards the supply of Indian stores, which rested on Indian convoy ships "if India had not supplied North Africa, there would have been much less shipping space for cargoes to Russia, and this was the most important and far-reaching aspect of India's total contribution" ?

(c) Is it a fact that an enormous quantity of steel structures, dry batteries and cells for the R. A. F. and mountain guns have been manufactured and supplied by India in a steadily increasing stream which have contributed to the brilliant success of the African campaign ?

(d) Will Government lay on the table or place in the Library, a copy of the report referred to in (a) above, and such other reports as may give a full picture of the total contribution of India in this successful campaign ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : (a) Yes, Government have seen a Press release to this effect.

(b) It is a fact that the supply by India of stores to North Africa in Indian ships resulted in a considerable saving in the United Nations' shipping and enabled more ships to be used for cargoes to Russia. This is a most important aspect of our war effort.

(c) Yes, Sir.

(d) Copies of the Press release as published in the United States of America and certain other material have been placed in the Library of the House.

BAN ON LOUIS FISCHER'S WRITINGS.

71. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH : Will Government state the reasons for issuing a pre-censorship order on all speeches and writings relating to India, of Mr. Louis Fischer, the American journalist and author ?

THE HONOURABLE MR. E. CONRAN-SMITH : The reason was the prejudicial and inaccurate nature of his writings and speeches about India which contained matter calculated to cause disaffection against Government and to prejudice relations between the United Nations.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Was there anything in Mr. Fischer's speech, after the publication of which in India the pre-censorship order was passed, which showed that he encouraged the people to rise against the Government or not to give the utmost help during the war ?

THE HONOURABLE MR. E. CONRAN-SMITH : My answer to that would be that his writings included propaganda in favour of rebels or calculated to encourage or assist the operations of an unlawful association and that they falsely represented America as antagonistic to Great Britain and as supporting, or in sympathy with persons hostile to the war effort of India.

THE HONOURABLE MR. P. N. SAPRU : How do Government propose to ensure that Mr. Fischer's writings do not reach the American, the Russians and the Chinese people, and the other peoples of the United Nations ?

THE HONOURABLE THE PRESIDENT : That is a pure speculation. Nobody can tell what is going to happen in the future.

THE HONOURABLE MR. P. N. SAPRU : I am asking a question : how do they propose to ensure that his writings do not reach the peoples of the United Nations, such as the Americans, the Chinese, the Russians, and others ? He is trying to prejudice the relations between the United Nations. That is a legitimate question to ask.

THE HONOURABLE THE PRESIDENT : You can ask it, but I do not think you will get any answer.

THE HONOURABLE MR. E. CONRAN-SMITH : That matter is so obviously not one for the Government of India that I feel it is hardly necessary to answer the question.

THE HONOURABLE MR. P. N. SAPRU : May I ask a further question, Sir ? Is it a fact that the main reason for banning Mr. Louis Fischer's articles in this country is that it has revealed the mind of Viceregal Lodge ?

THE HONOURABLE MR. E. CONRAN-SMITH : No, Sir.

THE HONOURABLE MR. P. N. SAPRU : Is it a fact that there is nothing in Mr. Louis Fischer's articles to encourage resistance to the war effort but there is a good deal of criticism of the policy of His Majesty's Government and the Government of India ?

THE HONOURABLE MR. E. CONRAN-SMITH : The Honourable Member is merely controverting what I said in answer to a previous supplementary question.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : What are the words in the speech published in India which encouraged a movement like that which was initiated in August, 1942 ?

THE HONOURABLE MR. E. CONRAN-SMITH : The trend of the articles was as I have described. The Honourable Member cannot expect me in answer to a question to quote from memory the passages in the articles. He can himself refer to the published articles that have appeared in India.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : The Honourable Member made a very definite statement regarding the reasons which impelled the Government of India to issue the order mentioned in the question. Why should it not be possible for him to point out any passage to me which can bear the interpretation put upon the speech as a whole by the Honourable Member ?

THE HONOURABLE MR. E. CONRAN-SMITH : I am not prepared to argue with the Honourable Member. The whole trend was of the nature I have indicated. He cannot expect me, in answer to a question, to state the actual passages.

THE HONOURABLE THE PRESIDENT : May I suggest to the Government Member that if he does not wish to say anything, it is best for him to remain silent instead of answering the question, because the more he answers the question, in that case he will get other questions and there will be an indefinite number of questions. If he does not want to reply, the best thing is for him to remain silent.

THE HONOURABLE MR. P. N. SAPRU : What is there in Mr. Louis Fischer's articles which has not been said by some British publicists ?

(No answer.)

THE HONOURABLE RAI BAHADUR SRI NARAIN MAHTHA : Has the Indian representative in America done anything to counteract the inaccuracies in the writings of Mr. Louis Fischer which the Honourable Member may have in mind ?

THE HONOURABLE MR. E. CONRAN-SMITH : I think that question should be addressed to another Honourable Member, and not to me.

CONSTRUCTION OF NEW TELEPHONE LINES.

72. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH : Is it a fact that Government now propose to run new telephone lines along the country roads instead of along the railway lines, and in pursuance of this policy such line has been opened, or is about to be opened along the Grand Trunk Road from Calcutta to Delhi ? If so, what financial commitments, recurring and non-recurring, will it involve ?

THE HONOURABLE SIR MAHOMED USMAN : New telephone lines are being constructed along roads or along railway lines as is found most suitable and convenient for maintenance. In fact, even now there are a number of such lines existing along roads. For reasons of security I regret I cannot give details of the roads intended to be adopted for the new lines. It is not possible to give the financial commitments for any particular line, but I may add that the expenditure on the Telecommunications Development scheme as a whole has been approved by the Standing Finance Committee.

INDEX TO THE COUNCIL OF STATE DEBATES.

73. THE HONOURABLE PT. H. N. KUNZRU : Is it a fact that the Honourable Sir Mahomed Usman said during the discussion on the Finance Bill on the 26th March, 1943, that he would have the question of printing the index to the

Council of State proceedings "re-examined in consultation with the Labour Department"? Will Government state what is the decision they have arrived at on the subject?

THE HONOURABLE MR. SHAVAX A. LAL : The answer to the first part of the question is in the affirmative. In deference to the wishes of the Honourable Members Government have decided to resume the printing of the index.

THE HONOURABLE MR. P. N. SAPRU : What about the proceedings for the September session of 1942 and the Winter session of 1942? Will Government be pleased to supply us with the index of those sessions also? It is very inconvenient.

THE HONOURABLE MR. SHAVAX A. LAL : 1942, Vol. I has already been printed. Vol. II is in the Press. 1943, Vol. I is under preparation.

• **THE HONOURABLE MR. P. N. SAPRU :** What about the index?

THE HONOURABLE MR. SHAVAX A. LAL : I am referring to the index.

THE HONOURABLE MR. P. N. SAPRU : Shall we get the index for all these years?

THE HONOURABLE MR. SHAVAX A. LAL : Yes.

THE HONOURABLE MR. P. N. SAPRU : Thank you very much.

COMMITTEES ON POST WAR RECONSTRUCTION.

• **74. THE HONOURABLE PT. H. N. KUNZRU :** What is the total number of Committees and Sub-Committees appointed by Government to consider the question of post-war reconstruction? What are their names and what is the work assigned to each of them? Have any of them met since the close of the last Legislative Session? If so, how many times?

THE HONOURABLE MR. J. P. SRIVASTAVA : Sir, I lay a statement on the table.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : May I ask the Honourable Member whether the Committee of Economists has met recently? If not, when did it meet last?

THE HONOURABLE SIR JWALA PRASAD SRIVASTAVA : The Committee of Economists has only just been set up under the new constitution and it has not yet met.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Is the Honourable Member aware that there was a Committee till recently of that name or of a similar name which was appointed some time ago and which has met at least once? It is not a Committee which has been created very recently.

THE HONOURABLE SIR JWALA PRASAD SRIVASTAVA : I am aware of that but that was under a different organisation. We have now set up an entirely different organisation to deal with post-war reconstruction.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Has there been any change with the exception of the setting up of a Sub-Committee of the Executive Council to act as a guiding and co-ordinating body?

THE HONOURABLE SIR JWALA PRASAD SRIVASTAVA : I am unable to go into details, but the whole organisation has been changed by the setting up of the Committee of the Executive Council. Now, that Committee of the Executive Council has got powers to decide about questions. In the old days, the organisation had no powers at all.

THE HONOURABLE MR. P. N. SAPRU : Am I to understand that the Reconstruction Committees which were appointed by Sir Ramaswami Mudaliar and which consisted of Members of the Legislature and other representative organisations are no longer in existence?

THE HONOURABLE SIR JWALA PRASAD SRIVASTAVA : I do not say they are no longer in existence. We have adopted some of them. I will put it this way. We have changed the constitution in some cases to suit the new needs. The old committee which was set up under a different constitution is, strictly speaking, no longer in existence. But, as I have said, we have adopted many of them and we have not changed many of the names.

THE HONOURABLE MR. V. V. KALIKAR : That means the old committee that was set up by Sir Ramaswami Mudaliar is dissolved?

THE HONOURABLE SIR JWALA PRASAD SRIVASTAVA : Technically, yes.

Statement.

The House will recollect that during the last session, my Honourable colleague Sir Jeremy Raisman, made a statement announcing the creation of the newly constituted Reconstruction Committee of Council. There have been no spectacular developments since that announcement was made; but the establishment of this Committee and the lead given to reconstruction planning by His Excellency the Viceroy himself have resulted in the various Departments of the Government of India undertaking a large amount of preparatory work which must in due course materialise into definite proposals. So vast and complex are the problems of reconstruction that each department of the Government of India as also the Provinces, the States and the Industries must do their own thinking and planning. There must, however, be a central organisation for co-ordinating and stimulating the activities of these various authorities in order to ensure that the whole field is adequately covered and that no gaps are allowed to remain to be filled in hurriedly, or not to be filled in at all, when the time has arrived for putting reconstruction policies into force. It is this task as also that of initiating and guiding general policy which has been taken over by the Reconstruction Committee of Council. The problems of reconstruction are now engaging the most anxious attention of the Government of India and a powerful machinery to deal with every aspect of reconstruction has been set up.

2. As reconstruction embraces a number of subjects dealt with in the several departments, it has been decided that the actual responsibility for preparing plans should rest with the department dealing with the subject concerned. The problems of reconstruction naturally divide up under the following main heads :—

1. Re-employment and Re-settlement.
2. Disposals, Contracts and Government Purchases.
3. Transport.
4. Posts, Telegraphs and Air Communications.
5. Public Works and Electric Power.
6. Internal and International Trade Policy and Industry.
7. Agriculture, Forestry and Fisheries.

It has been decided to constitute a Policy Committee for each of these subjects to be presided over by the Honourable Member mainly concerned. These Committees will include besides officials of the Central Government representatives of Provincial Governments, States and members of the general public. As regards the association of members of this House in the work of these Committees, members of these Committees are to be chosen because they are representatives of certain special interests, such as Chambers of Commerce, or of particular industries, or else because they have special knowledge of a particular subject dealt with by the Committee concerned. The question of utilising Members of this House to fill any of these roles will be considered when the composition of these Committees is finally determined. It will be the duty of these Committees to advise the Government on any schemes which may be placed before them and to suggest ways and means of giving effect to them.

Apart from these Policy Committees, a Consultative Committee of Economists has already been formed and has held two meetings so far. Some memoranda on economic matters have been prepared by the Economic Adviser to the Government of India and will be shortly circulated to the members of the Committee.

3. Apart from the subjects which emerge more or less directly out of the war, factors which increase national welfare and improve the standard of living must also take a prominent place in any constructive planning of the post-war future. The question of the organisation and the improvement of Social Services, including educational services and the development of health organisation, will therefore be taken up for study and planning. It is obvious that the womanhood of India should be associated with this enquiry and Government are now considering the best manner in which this could be done.

4. The most important preliminary task to be performed at present is the collection and co-ordination of data on which alone could any concrete schemes be based. Official Committees on Secretary level corresponding to each Policy Committee have therefore been formed and all of them have started to function. Their preliminary task will be the collection of data and the preparation of preliminary schemes for discussion. For example, a great deal of preparatory work has been done by the Demobilisation and Welfare Directorates in the Defence Department. This includes development of welfare services in the recruiting areas and a survey of the land resources that might be available for the settlement of ex-soldiers. The question of utilising to the best advantage the Military Reconstruction Fund both in British India and the States is also under examination and it is hoped to address to Provinces and States at an early date comprehensive proposals on the subject. The setting up of organisations in War and Supply Departments to handle the problems of Disposals, Contracts, etc., has been considered in detail and preparations are well advanced. When the staffs are in place detailed planning will commence. The necessity for investigating irrigation works has not been lost sight of and problems relating to the co-ordination and control of Electric Power undertakings are being looked into. A skeleton scheme is being drawn up for road development and a considerable amount of preparatory work has been done on the subject of Civil Aviation. Reports on all-India agricultural and forestry planning and on the post-war development of fisheries are also under preparation. The dates at which Policy Committees will meet will naturally depend on the progress of the preparatory work to be completed by Official Committees, but it is hoped that these meetings will take place just before or after the Autumn Session of this House.

5. It is not only the machinery of reconstruction planning at the Centre which has been occupying the attention of the Government. There are certain essential conditions which are a necessary foundation for any reconstruction policy. Apart from an adequate Governmental machinery, there are the co-operation of Provincial and States Governments, and the co-opera-

tion of the people at large as well and the leaders of Industry. As regards the latter, it is common ground in most countries, if not in India, that in the interests of Industry itself it will be necessary to continue controls for a considerable period after the war. There are many people who even believe that some measure of Governmental control is likely to be an essential and permanent feature of the post-war world. It is important, therefore, for the representative industries to get together, so that these controls can as far as possible be administered through their own representative organisations. Steps are in hand to investigate very carefully the requirements of Industry in capital goods, conversion of war industries to peacetime production, and the expansion of industry generally during the post-war period. Perhaps more important than these is the organisation of marketing especially overseas. These are matters in which there should exist the closest co-operation between industries and Government, and it is hoped that representative industrial and commercial organisations will now begin to devote their attention to these important problems. The Central Government are already in the closest possible touch with the Provincial and State Governments who have been asked to undertake the formulation of such schemes as they consider suitable and to submit them to the Government of India for consideration.

6. In conclusion, like all other countries in the world we are still in the planning stage and the same can also be said of the Provinces, States and Industry. There is a tendency to suggest that because we have not yet indulged in extensive publicity or consultation with non-officials that nothing has been done. But the Government consider that premature publicity or discussion without all relevant data being available will lead only to disappointment and that such publicity will only detract from the value of the discussion of Policy Committees, who ought to have the first opportunity of examining the schemes placed before them by the Government of India.

PRESENT STRENGTH OF I.M.S. OFFICERS (CIVIL).

75. THE HONOURABLE PT. H. N. KUNZRU : What is the total number of permanent Indian and British officers respectively in the I. M. S. ? How many of them are serving on the civil side at present ?

THE HONOURABLE SARDAR SIR JOGENDRA SINGH : The total numbers of permanent Indian and British officers in the Indian Medical Service are Indian 177 and British 383. The numbers at present serving on the civil side are Indian 19 and British 63.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Is there any intention of withdrawing any of these officers from civil duties for military duties ?

THE HONOURABLE SARDAR SIR JOGENDRA SINGH : British officers ?

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Both British and Indian. I have made no distinction.

THE HONOURABLE SARDAR SIR JOGENDRA SINGH : None at present.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Have Government received any representations from Associations representing Indian medical graduates that their present policy in this respect needs revision ?

THE HONOURABLE SARDAR SIR JOGENDRA SINGH : Yes, and the position is being reviewed.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : What is the result of the review ?

THE HONOURABLE SARDAR SIR JOGENDRA SINGH : It is just under consideration. The action has not yet been decided upon.

RULES RELATING TO SECURITY PRISONERS.

76. THE HONOURABLE PT. H. N. KUNZRU : Have Government placed the rules relating to the security prisoners made by the Central Government and the Provincial Governments in the Council Library ? If not, will they do so as early as possible ?

THE HONOURABLE MR. E. CONRAN-SMITH : As I informed the Honourable Member in reply to his question No. 27 on the 22nd February, 1943, a copy of the Central Government Security Prisoners Order has already been placed in the Library of the House.

Similar action cannot be taken in respect of the orders made by Provincial Governments.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Why is Government unable to supply the rules made by the Provincial Governments ?

THE HONOURABLE MR. E. CONRAN-SMITH : In particular because they are made by Provincial Governments. In point of fact, some Provincial Governments publish their orders while others treat them as confidential. Practice varies in regard to publishing them.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Will Government take any steps to place the rules of the provinces which have not treated them as secret in the Library of the House ?

THE HONOURABLE MR. E. CONRAN-SMITH : I am prepared to consider that.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Will Government also make representations to those provinces which treat the rules relating to security prisoners as confidential to follow the lead given by the Government of India ?

THE HONOURABLE MR. E. CONRAN-SMITH : I am not prepared to give an undertaking to attempt to fetter the discretion of Provincial Governments in that matter.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Is the Honourable Member aware that the Honourable the Home Member stated in another place that efforts were being made to introduce uniformity in the rules framed by the Central Government and by the Provincial Governments ?

THE HONOURABLE MR. E. CONRAN-SMITH : I am aware of that fact. But the Honourable the Home Member did not state in another place that one of the matters on which efforts were being made to secure uniformity was the question of publication of Security Prisoners Rules.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Is not my demand in consonance with the position taken up by the Government of India on principle ?

THE HONOURABLE MR. E. CONRAN-SMITH : That is a matter of opinion. •

QUESTION OF SENDING NON-OFFICIALS ABROAD TO SPEAK ON INDIA'S WAR EFFORT.

77. THE HONOURABLE PT. H. N. KUNZRU : (a) Is it a fact that Government contemplate to send eight non-officials to England for a period of eight months ? If so, what is the mission on which they will be sent ? Will they be expected to defend the policy of His Majesty's Government towards India and the actions of the Government of India ?

(b) Will they be sent to America also ?

THE HONOURABLE SIR MAHOMED USMAN : (a) and (b). No, but in view of the great interest in the war effort of India taken in both Great Britain and the United States, Government are considering, in consultation with the India Office, and the Agent General for India in Washington, the question of inviting a few non-official gentlemen to undertake a tour abroad to speak on the war effort.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : What does the Honourable Member mean by saying that they are expected to undertake a tour on the war effort or in connection with the war effort—I do not remember the exact words ?

THE HONOURABLE SIR MAHOMED USMAN : What I said was that the question of inviting a few non-official gentlemen to undertake a tour abroad to speak on the war effort was under the consideration of Government.

THE HONOURABLE MR. P. N. SAPRU : The Honourable Member has not replied to the second sentence in question No. 77 (a) of the Honourable Dr. Kunzru. The question is " Will they be expected to defend the policy of His Majesty's Government towards India and the actions of the Government of India ? "

THE HONOURABLE SIR MAHOMED USMAN : I have stated what their functions will be. They are going to speak on the war effort.

THE HONOURABLE MR. P. N. SAPRU : So they will not be expected to speak on any other question or they will not be permitted to speak on any other question ?

THE HONOURABLE SIR MAHOMED USMAN : That is my information at present.

THE HONOURABLE MR. P. N. SAPRU : May I take it that they will not be permitted to speak on any other question than the war effort of India ?

THE HONOURABLE SIR MAHOMED USMAN : The whole question is under consideration.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Will they be expected to speak on the war effort of India in accordance with any brief that might be prepared for them by the Government of India in this connection ?

THE HONOURABLE SIR MAHOMED USMAN : I do not see any harm in that.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : It is not a question of harm. I want to have the reply on a question of fact—whether that is the intention of the Government of India.

THE HONOURABLE SIR MAHOMED USMAN : As regards the war effort, I suppose facts and figures will be supplied by the Government of India.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Will they be expected to state only the facts supplied by Government or will they after stating the facts be at liberty to comment on them ?

THE HONOURABLE SIR MAHOMED USMAN : They will certainly be at liberty to make comments. The persons chosen will be absolutely reliable from the point of view of the war effort. (*Laughter.*)

THE HONOURABLE MR. P. N. SAPRU : How is the selection going to be made ? Are organisations to be asked to nominate delegates for this purpose or will they be nominees of my Honourable friend's Executive Council ?

THE HONOURABLE SIR MAHOMED USMAN : As I said, the whole question is under consideration.

(Honourable Members in whose names questions 78 to 91 stood were absent, the questions were therefore not put.)

THE HONOURABLE MR. P. N. SAPRU : It is a very bad habit for members to put questions and not to ask them.

THE HONOURABLE THE PRESIDENT : It is very wrong of members to give notice of questions, put the Departments to the trouble of collecting information and then not be present. It is very wrong.

THE HONOURABLE MR. P. N. SAPRU : Some of us have supplementaries to ask.

THE HONOURABLE THE PRESIDENT : If you have authority I would allow you to put the questions. That has been the ruling and the practice for ages in this House.

THE HONOURABLE MR. P. N. SAPRU : Railway questions are very important, Sir.

THE HONOURABLE THE PRESIDENT : I cannot help it.

THE HONOURABLE MR. P. N. SAPRU : Will it be possible for you to allow question No. 90 to be put ?

THE HONOURABLE THE PRESIDENT : I cannot make an exception in the case of any question. I cannot break the rule myself.

TELEPHONE OPERATORS.

78. **THE HONOURABLE RAI BAHADUR S. K. DAS :** (a) Is it a fact that the percentage of the leave reserve staff of the telephone operators is only ten in Bengal and Assam Circles while in the case of the telegraphist it is seventeen and of the R. M. S. it is twenty ?

(b) Do Government propose to revise this scale ?

THE HONOURABLE SIR MAHOMED USMAN : Yes, but it is the same for all Circles and not for the Bengal and Assam Circle only. The question of revising this percentage is under consideration but it may not be possible to do anything during the war.

SETTLEMENT OF THE SCALE OF PAY OF DIVISIONAL STORE-KEEPERS (ENGINEERING), POSTS AND TELEGRAPHS DEPARTMENT.

79. **THE HONOURABLE RAI BAHADUR S. K. DAS :** Is it a fact that the question of the settlement of the scale of pay of the Divisional Store Keepers (Engineering Branch) of P. & T. Department has been under consideration for the last 3 years ? If so, will Government state the reasons ? Are Government aware that as a consequence these store keepers are unable to draw the increment under the revised scale of pay ? Are Government further aware that pending revision they are unable to get increments according to the present scale of pay ? Will Government state as to when they are able to make a final decision ?

THE HONOURABLE SIR MAHOMED USMAN : The reply to the first part of the question is in the affirmative. The delay in reaching a decision is due to the difficulty of forming a cadre of a small number of officials (15 only) serving in different parts of India.

A few men who had no permanent footing in the Department and were irregularly appointed as divisional storekeepers on a temporary basis are not eligible for

increment pending confirmation in their appointments. Their cases will be settled as soon as the new cadre is formed.

The matter is under active consideration and an early decision is expected.

TELEPHONE OPERATORS.

80. THE HONOURABLE RAI BAHADUR S. K. DAS : Is it a fact that the question of the fixation of the proportion of telephone operators of the 1st and 2nd grade is under the examination of P. & T. Board ? Will Government state as to whether the Board has decided the matter ? If so, what is the decision ?

THE HONOURABLE SIR MAHOMED USMAN : The question is under the consideration of the Director General but no decision has been arrived at as yet.

TELEPHONE MONITORS.

81. THE HONOURABLE RAI BAHADUR S. K. DAS : Are Government aware that telephone monitors have to perform supervisory duties in addition to their normal duties for which they are at present entitled to an allowance of Rs. 10 (ten only) ? Are Government aware that for similar duties supervisors are allowed an allowance of Rs. 20 (twenty) in the case of both the Post Office and the R. M. S. ? Do Government propose to revise this ?

THE HONOURABLE SIR MAHOMED USMAN : The facts are not as stated by the Honourable Member. The normal duties of telephone monitors are entirely supervisory in character and for this, an allowance of Rs. 10 has been prescribed but in the bigger Exchanges there are also Selection grade monitors on a higher scale of pay.

The duties of supervisors in Post Offices and in the Railway Mail Service are not comparable to those of telephone monitors. Government do not therefore propose to revise the allowance.

TELEPHONE MONITORS.

82. THE HONOURABLE RAI BAHADUR S. K. DAS : Is it a fact that Government sanctioned only one post of selection grade telephone monitor, while there are hundreds of selection grade posts in the Telegraph, R. M. S., and the Post Offices of the Bengal and Assam Circle ? Do Government propose to revise this ?

THE HONOURABLE SIR MAHOMED USMAN : It is true that there is only one post of selection grade telephone monitor in the Bengal and Assam Circle while there are several such posts (not hundreds) in other branches of the Department. Additional posts would be sanctioned if and when justified according to the standards laid down.

TELEPHONE OPERATORS.

83. THE HONOURABLE RAI BAHADUR S. K. DAS : How are offs granted to Telephone Operators—once a month or once a week ?

THE HONOURABLE SIR MAHOMED USMAN : The aim is to grant so far as possible one day off to each telephone operator every week.

TELEPHONE OPERATORS.

84. THE HONOURABLE RAI BAHADUR S. K. DAS : Is it a fact that the question of revision of the rate of overtime allowance of the telephone operators has been under the consideration of Government since 1941 ? Have Government been able to come to any decision ? If so, will Government lay on the table a statement showing the new rates ?

THE HONOURABLE SIR MAHOMED USMAN : The reply to the first part is in the affirmative and to the second part in the negative. The last part does not arise.

TELEPHONE OPERATORS.

85. THE HONOURABLE RAI BAHADUR S. K. DAS : What is the maximum number of hours a telephone operator is supposed to be on duty in a day ? Do the operators get overtime allowance if they have to perform additional hours of duties over their routine duties on a particular day ? Is it a fact that a telephone operator is getting an off day after having put in 45 hours of duty during six days and he usually gets off on the seventh day of the week ?

THE HONOURABLE SIR MAHOMED USMAN : The duty hours of telephone operators are fixed on a weekly basis of 45 hours and not on a daily basis. Generally however, their duty hours do not exceed eight per day.

The overtime allowance of telephone operators is regulated on the basis of weekly duty.

It is a fact that a telephone operator is expected to get one " off " day in seven after putting in 45 hours of duty on six days.

TELEPHONE OPERATORS.

86. THE HONOURABLE RAI BAHADUR S. K. DAS : Is it a fact that the telephone operators are allowed some relief for meal after every term of duty consisting of more than six hours ? If so, would Government state the specific time that is allowed for such relief either at day or at night and whether it is irrespective of places where departmental canteens are provided or not ? Will Government lay a detailed statement on the subject on the table ?

THE HONOURABLE SIR MAHOMED USMAN : The reply to the first part of the question is in the affirmative. There is no specific period fixed for meal relief and the concession is applicable to all exchanges.

I regret that it is not possible to lay a statement on the table of the House giving full details of the arrangement in each telephone exchange, as the labour involved in collecting the information would be incommensurate with the result.

ENGINEERING SUPERVISORS, POSTS AND TELEGRAPHS DEPARTMENT

87. THE HONOURABLE RAI BAHADUR S. K. DAS : (a) Is it a fact that in the matter of recruitment of Engineering Supervisors, 50 per cent. of the vacancies are to go to departmental candidates under the existing rules ? Is it a fact that in regard to this year's E. S. T. Examinations only 25 per cent. of the vacancies are going to be filled by departmental candidates ?

(b) Do Government contemplate to recruit 50 per cent. or more from the departmental candidates ?

THE HONOURABLE SIR MAHOMED USMAN : (a) According to the rules governing the examinations held for recruitment of Engineering Supervisors from 1929 to 1941, 50 per cent. of the vacancies were reserved for departmental candidates provided they qualified in the examination. These rules have recently been revised by Government and twenty-five per cent. of the vacancies will now be reserved for departmental candidates who qualify in the examination.

(b) No.

TELEPHONE OPERATORS.

88. THE HONOURABLE RAI BAHADUR S. K. DAS : Do Government propose to provide quarters to the telephone operators near about the Exchange ?

THE HONOURABLE SIR MAHOMED USMAN : No, Sir.

DEARNESS ALLOWANCE TO NON-GAZETTED OFFICERS OF THE P. & T. DEPARTMENT.

89. THE HONOURABLE RAI BAHADUR S. K. DAS : Do Government propose to allow dearness allowances to all non-gazetted officers of the P. & T. Department at a flat rate ?

THE HONOURABLE SIR MAHOMED USMAN : No, Sir.

WANT OF ACCOMMODATION ON TRAINS.

90. THE HONOURABLE MR. ALI ASGAR KHAN : (a) Are Government aware that general public are undergoing great hardship on railways for want of accommodation in trains ?

(b) Is it a fact that most of the railway coaches are generally occupied by military and that public do not find accommodation in trains ?

(c) Is it a fact that train coaches are overcrowded and that double the number of passengers occupy a compartment than the actual number of seats provided in it ? Do Government propose to take immediate steps to relieve the public passengers of their hardship ?

(d) Is it a fact that in trains military officers and troops occupy $\frac{3}{4}$ th of the accommodation of the trains sparing a very few compartments for general passengers to meet their demand ?

(e) Is it a fact that on many occasions upper class passengers having reserved accommodation previously arranged are forced to vacate berths for military officers and that railway staffs are unable to give them any relief ? Do Government propose to arrange special trains for the military for troop movements leaving the ordinary train service for general public ?

THE HONOURABLE SIR SATYENDRA NATH ROY : (a) Yes.

(b) and (d) It is an overstatement to say that military officers and troops occupy three-fourths of the accommodation in trains. The movement of large bodies of troops is carried out by special trains. In more important trains special coaches are attached of both upper and lower classes for military personnel, but small parties and leave details use the normal train services and necessarily contribute to over-crowding. In existing circumstances this is unavoidable.

(c) Every passenger train carries coaches to the full hauling capacity of the engine but shortage of engine power and the pressure of other traffic precludes the possibility of any increase in passenger services. Government see no prospect of relieving this position in the near future.

(e) Government are not aware of any such instances. As regards the second part, as stated above, arrangements exist for running special trains for military personnel only over certain routes and for setting aside separate accommodation for such personnel on certain trains.

MAKING OF TRUNK CALLS FROM OUTLYING POST OFFICES.

31. THE HONOURABLE MR. ALI ASGAR KHAN : Are there in certain outlying post offices installations for telephones for trunk calls available and are public not allowed to make trunk calls from there? If so, do Government now propose to make such telephones available for the use of public for trunk calls?

THE HONOURABLE SIR MAHOMED USMAN : The answer to the first part of the question is in the affirmative. If the honourable member will give the names of the outlying post offices which he has in mind I will get the matter examined.

INFORMATION PROMISED IN REPLY TO QUESTIONS LAID ON THE TABLE.

THE HONOURABLE MR. C. M. G. OGILVIE (Defence Secretary) : Sir, I lay on the table the information promised in reply to question No. 135, dated the 24th March, 1943.

TOTAL CONTRIBUTION MADE TO THE RED CROSS SOCIETY.

The Indian Red Cross Society has furnished the following information :-

"The service provided by the Joint War Organisation, Indian Red Cross and St. John, is given to sick, wounded and convalescent members of the Services and to prisoners of war in enemy hands, and does not include amenities for fit troops.

In theatres of war where a British or Dominion Joint War Organisation exists, such as the Middle East, Ceylon, Aden and formerly Malaya, the Indian Organisation provides Red Cross service to sick and wounded of the Indian Services only.

In areas where there is no such British or Dominion Joint War Organisation, namely Iraq, Persia, India, no distinction is made in the Red Cross Service given to the sick and wounded of the British, Dominion and Indian Services. A generous grant-in-aid of £50,000 towards this was given by the British Joint War Organisation in 1942, and a further grant of £25,000 has already been received from that Organisation in 1943."

2. It may be stated with reference to part (d) of the question that the provision of institutes and amenities for nurses is a Government responsibility.

BILL PASSED BY THE LEGISLATIVE ASSEMBLY LAID ON THE TABLE.

SECRETARY OF THE COUNCIL : Sir, in pursuance of rule 25 of the Indian Legislative Rules, I lay on the table copies of the Bill to amend the Reciprocity Act, 1943 which was passed by the Legislative Assembly at its meeting held on the 3rd August, 1943.

MOTION *RE* PEGGING LEGISLATION IN SOUTH AFRICA.

THE HONOURABLE MR. G. S. BOZMAN (Secretary for Indians Overseas) : Sir, I move :—

"That the position arising out of the recent pegging legislation in South Africa be taken into consideration."

Government have thought it desirable, by means of the Motion which I have just moved, to give the Legislature an opportunity to discuss freely and fully a matter which has greatly exercised the public mind in this country. Honourable Members will, I hope, have received a short note prepared in my Department on the effect of the recent South African legislation, to which we have attached a copy of the obnoxious Bill itself. It is, therefore, I think not necessary for me to cover that aspect of the matter in great detail. It will be sufficient if I say that the Bill—or Act as it is

now—has two quite distinct aspects, one referring to the Transvaal, the other to Natal. In the Transvaal, as Honourable Members are aware, there have, since the year 1885, been restrictions upon the rights of Indians to live and own land where they pleased. After the passing of the Gold Law in 1908 the position has been that coloured persons are prohibited from either owning or occupying "proclaimed" land, that is land which may be exploited for its precious metal content, while on non-proclaimed land they may occupy land but not own it. In 1939 the Union Government, in spite of strong protests from the Indians in South Africa and from the Government of India, passed an Act usually known as the Interim Act. It was in response to a cry of penetration and it will be clear that in the Transvaal the term "penetration" must refer mainly to an extension of trading activities. The Act, therefore, provided, in addition to prohibiting occupation by Asiatics of new premises without the Minister's permission, that no application for a trading licence by an Asiatic should be entertained without the Minister's previous permission. This Act, enacted for two years in the first place, was renewed in 1941 for a period of two years and has now been renewed for a further three years.

As for Natal there has in the past been no statutory restriction upon the acquisition and occupation of land by Asiatics. This is not to say that the need for such restriction has not been urged upon the Union Government at various times. It has, and I should remind Honourable Members that statutory provision exists by which anti-Asiatic servitudes may be inserted in title deeds and in relation to Durban—I am quoting from a speech in the South African House of Assembly—"these servitudes now cover practically the new areas of the town". Honourable Members will also recall that an effort was made to resolve the differences between Europeans and Indians in Durban on non-statutory lines by means of the Lawrence Committee. That effort is regarded by the Union Government as having failed and they have, therefore, argued that they had no alternative but to proceed by means of legislation. The position now is that all transfers of property between Europeans and Asiatics require the previous sanction of the Minister. In order to preclude evasion it is also provided that no Asiatic may become a shareholder in a company owning land or premises in a predominantly European area and no European in a predominantly Indian area. The provisions now applied to Durban may be applied to other areas in Natal by proclamation after a Commission has enquired and reported. I hope now that Honourable Members have a clear picture of what this Act provides.

Now, Sir, although this Motion deals specifically with the position arising from the passage of this legislation in South Africa, I think I may be permitted to give a short resumé of the events preceding its final enactment. For various reasons it has not been practicable to publish in detail the correspondence which took place but I believe the House will be interested to know what steps were taken in India and such information will assist members in the general survey which they will wish to make. In the first half of March, 1943 the Government of India instructed their High Commissioner to convey to the Union Government their view that, having regard to the facts established in the first Broome Commission Report, there was no case for renewing the interim legislation in the Transvaal and to enquire what the Union Government's intentions were. There was no direct reply to that enquiry but on the 13th March (the telegram was received here on the 16th) the High Commissioner reported that he understood the Union Government were contemplating pegging legislation in Natal and renewing the Transvaal Act. On the 25th March he was instructed to represent to the Union Government the Government of India's rooted objection to statutory segregation and to urge that any action before the receipt of the second Broome Report would prejudge the issue. Two days later he was again asked to obtain full information in view of press reports that the Europeans in Natal were demanding legislation and that the Minister had uttered a warning to Indians on the subject. The following day, the 28th March, the High Commissioner was instructed to seek an assurance that the Union Government would not publish any proposals for legislation in this matter without first according the Government of India an opportunity to comment. On the 29th the High Commissioner reported that the warning uttered by the Minister of the Interior had been accompanied by a statement of Government's intention to await the second Broome Report and that the question was not merely one of penetration but also of providing suitable housing sites for Indians. The Minister had also expressed the desire of the Union Government

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to avoid offending the susceptibilities of the Government of India, which country had played so vital a part in the war effort. On the 4th April the High Commissioner reported that the Union Government took a serious view of the second Broome Report, of which he had telegraphed us a summary three days earlier, and were likely to decide upon legislation. On the 7th April the Union Government announced their decision to legislate and the High Commissioner was given a copy of the draft Bill. On the 8th April the Government of India issued a press communiqué expressing their regret that the Union Government had paid no attention to their representations. They also instructed the High Commissioner the same day to make a further representation to the Union Government reiterating the Government of India's immutable objection to statutory segregation and urging the solution by a voluntary restriction upon purchase. They also asked him to draw the Union Government's attention to the particular inappropriateness of such a legislation in war-time. On the same day the Secretary of State was informed that the Union Government had not replied to the representations and the proposed legislation was likely to evoke serious resentment in India. On the 10th April the Bill was introduced in the Union House of Assembly and the following day the High Commissioner telegraphed the Union Government's reply to our second representation, to the effect that attempts to restrict undesirable purchases of land by voluntary means had failed and that the state of racial feeling in Durban was such that they had no choice but to take immediate steps by legislation to prevent further deterioration. On the 13th April the Government of India instructed the High Commissioner to make a third representation to the Union Government in which they made the three following points (i) the issues involved were of such importance to the present and future relations of the two countries as to call for every effort to avert a dangerous breach, (ii) in the Transvaal the Broome Report afforded no justification for extending the Interim Act and the existing licensing laws afforded sufficient protection against undesirable expansion, (iii) the difficulty in Natal could be met by making it obligatory for all proposed transfers of property between Europeans and Asiatics to be published before confirmation and by providing machinery for the hearing of objections by an impartial authority and for the publication of that authority's recommendations. This device while avoiding statutory prohibition would have ensured that public opinion on all sides would have a full opportunity of expressing itself. The reply to this was not received till the 25th April. It was to the effect that the Union Government found the proposal unacceptable and were convinced that nothing short of the action proposed would provide the necessary breathing space or the suitable atmosphere to enable a permanent solution to be found. In the meantime, on the 21st April, as the Bill was proceeding in the Union Legislature, a last suggestion was made by the Government of India to the High Commissioner that the Bill should be amended so as to empower the Governor General to bring it into force when he found it necessary and that in the meantime the machinery proposed in our third representation should be tried. I should say quite frankly, Sir, that the Government of India did not like this proposal but they were informed that a similar proposal had been made by certain Indians in South Africa. The High Commissioner was therefore instructed not to put it forward to the Union Government until he had consulted the Indian leaders who were present at Capetown. It was not in fact ever submitted to the Union Government. The Bill passed its third reading in the Senate on the 26th April.

That, Sir, is a summary of the correspondence which passed before the Bill was enacted. Thereafter, as Honourable members will recall, Government issued a communiqué on the subject on the 27th April in which they described the legislation as repugnant, unnecessary and inopportune. I have seen it stated somewhere in the press that it was not difficult to think of stronger terms in which to describe it. Sir, I can assure the House that Government are not unacquainted with strong language. It is used against them and they have at their disposal officers who could, I think, claim considerable knowledge of the more pungent epithets. But there is a dignity in restraint which is worth cultivating from many points of view and what matters is to be sure that the force of one's objections are fully appreciated. On this aspect I believe it may be of some interest to members if I read a few short extracts from

speeches made against the Bill in both Houses of the South African Legislature. On the question of repugnancy one member in the House of Assembly said :—

"This is legislation which is socially and economically discriminatory against a voteless minority in this country".

A supporter of the Bill said with startling frankness :—

"There is race prejudice in South Africa. It has been here since European civilisation was planted here and the greatest portion of the European community, Afrikaans-speaking as well as English-speaking, will not shed that race prejudice".

Another opponent said :—

"The people who supported this Government in 1939 supported it to build a better world. They supported it to establish justice and peace between the peoples and races of the world; and I think the attitude which the minority parties have taken up in the House in regard to this Bill, their profound satisfaction with it, must be a matter for grave thought and heart-searching on the part of the Government".

Later the same member said :—

"We in South Africa are not particularly sensitive to the outside world except when it criticizes us, but I wonder what sort of a show South Africa will make at a Peace Conference if we have this sort of record of curtailing the property rights of a minority in the middle of a war without any counter offer when we are supposed to be defending the rights of all people to live without want, without fear and without oppression".

In regard to the Bill being unnecessary I do not think I need take any quotations. The position both in the Transvaal and in Natal was examined in great detail during the debate. I do not think any point made by the Government of India or that could have been made by the Indian community in South Africa went by default. I should however like to make one or two quotations on the point that the Bill is inopportune. The Prime Minister himself, Field Marshal Smuts, said :—

"We had hoped that during the war, at any rate, we would not have to deal with a matter of this kind which is bound to raise very widespread differences of opinion and which is contentious not only in South Africa but in a neighbouring country with whom we are on the most friendly terms. We regret very much that we have been placed in this position. Still more do we regret it that we have to give an appearance at any rate of going against a country like India for whom we have the greatest respect, who are engaged with us in a common struggle today, whose armies are fighting the same battles with us, and that we have to take a step which seems to go against them, which they take as an offence against them, and that we appear to be at issue with the Government of India. All these reasons are very grave reasons for us not to have taken this action, but we have no choice".

And I should like to quote a Senator who opposed the Bill and who seems to me to have summed this point up admirably. He said :—

"As one of the Natal newspapers has pointed out, Durban is not the only town into which the Indians have penetrated. There are at least four other towns in which Indian penetration has been more sudden, more acute and more effective than Indian penetration in Durban. These towns are Tobruk, Benghazi, Derna and Tripoli".

I do not wish to weary the House, Sir, but I have thought it worthwhile making the point that the case of the Indian community in South Africa, and indeed of the Government of India, was not unrepresented in the South African Parliament. I have read through the debates with great care and I do not think the case could have been better or more completely stated. There is one more point I wish to make in this connection. Honourable Members are aware that objection was raised in South Africa to what some people there regarded as unwarranted interference by the Government of India in matters of internal concern to South Africa. It is not my object at this stage to supply the obvious retort that when Indians domiciled in South Africa are regarded by South Africans as fellow citizens for all purposes the interest of the Government of India largely disappears, but I think it fair to say that all Government speakers maintained that the representations made by the Government of India were rightly and properly made and that no reasonable objection could be taken to the fact that they had been made. This point too was most admirably made by the same Senator whom I have already quoted. He said :—

"I do not stand up to defend the Government of India, far less against my own Government in South Africa, but I do point out that when we get excited about diplomatic intervention of the right kind in matters of this sort, we show ourselves, if I may say so, in the wrong on two points. The surer you are of your international status the less you will resent comments coming from outside. When we resent these comments, we put ourselves in the position of a parvenu who has objections to interference from outside".

He was then interrupted by the question "Is it not because we are jealous of our international status?" and his reply was one that I regard as both illuminating and worthy of considerable thought. He said :—

"Perhaps yes, but I submit it is an adolescent jealousy and I would like my Honourable friend to outgrow that jealousy".

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Well, Sir, I think I have done with quotations. I have described very briefly the practical effect of this Act. I have informed the House of the action taken by the Government of India before the Act was passed and I have given a few short instances to show that there was no chance for the Union Government to remain in ignorance of the deep and abiding objections raised both by the Indian community there and by the Government of India, and by public opinion here. I feel, Sir, that members of the South African Government and the public there will read Indian comment and the discussions both here and in another place with the same attention—critical attention no doubt—as we here have read the statements made and the discussions held in South Africa. There can be no doubt that they are already aware of the keen resentment aroused in Indians of all shades of political thought and of the identity of view between the Government and the people in that respect. We come therefore to the last stage, what more can we or should we do to evince the resentment that we feel. This is not a case of two school boys squabbling over an apple. In such a case fists are a handy and often the most suitable solution. But when national feelings are aroused and deeply hurt there are many things to be thought of before the first blow is given. It is for that reason that Government have thought it desirable to ventilate this matter as widely as possible and to obtain the opinions of as many people as possible. I do not propose, Sir, to discuss now the various methods by which our feelings might be made plain. In the first place they have already been fairly widely canvassed, and in the second place, if I were to begin arguing the pros and cons I might be misunderstood. Government have taken no decision and will not do so until all the discussions we have planned are completed. If, however, in discussing these matters Honourable Members feel themselves hampered by lack of information I shall, with your permission, Sir, do what I can to supply such information as I have, should Honourable Members ask for it during the course of the debate.

Sir, I commend this Motion to the House.

THE HONOURABLE THE PRESIDENT: Motion made:—

“That the position arising out of the recent pegging legislation in South Africa be taken into consideration.”

I may remind the House that the time limit for speeches is 15 minutes.

THE HONOURABLE MR. P. N. SAPRU (United Provinces Southern: Non-Muhammadian): Mr. President, first of all I should like to express our thanks to Government for giving us a special day for the discussion of this very vital and important question affecting the status and rights of our Indian nationals in South Africa.

The Honourable Mr. Bozman has in a very succinct form stated the issues which the pegging bill raises. He has told us what the origin of that Bill is and what the provisions of that Bill are. I do not propose within the limited time at my disposal to go into any details in regard to the history or the provisions of that Bill. Briefly stated, the Bill relates both to the Transvaal and Natal. In regard to the Transvaal, I cannot do better than quote the Finance Minister of the South African Government, Mr. Hoffmeyr, who threatened to resign on the issue of that Bill in so far as it affected the Transvaal. He did not actually do so. He described this Bill as a ‘surrender to racial and colour prejudice’. So far as the general tenour and character of the pegging Bill are concerned, I would quote a native representative in the South African Senate, Senator Basner. He said that ‘this was not only an unfair measure but a symptom of a diseased social order which sought to solve all difficulties by helping the man who had power at the expense of the man without power and wealth’. He asserted that public opinion as reflected in newspapers including one Durban newspaper was against the Bill. The motive which appears to have inspired that pious humbug, Field-Marshal Smuts, who always talks in language so far as the world outside South Africa is concerned in terms of advanced liberalism—the motive which seems to have inspired this pious humbuggy statesman appears to be that he wanted to appease the Dominion Party, which is predominantly a British party, and which is ultra-imperialist in character. This party was deliberately, as a Labour M. P. said in the House of Representatives—I am referring to the speech of Mr. Duncan Burnside—clubbing the question of Indian penetration in Natal for election purposes.

We have a long and painful history in regard to South Africa. But there are two landmarks in this history which are, from our point of view, important. There is, first of all, Gandhi-Smuts agreement of 1914 and there is the Cape Town Agreement of 1927. Briefly stated, by the Cape Town Agreement the South African Government undertook to recognise their responsibilities towards the Indian population. They said that it would be their endeavour to see that Indians were enabled to adopt Western standards of living and they would provide them with educational and other facilities for this purpose. We charge them with a definite breach of this Cape Town Agreement of 1927. The difficulties which have arisen in Natal were not the creation of Indians. It is an admitted fact that the living space for Indians in Natal was very much less than the living space for Europeans in Natal. An analysis of the figures will show that the purchases by Indians in predominantly European areas had been primarily for purposes of investment and not occupation. An analysis of the situation will also show that these purchases had been occasioned to some extent at all events by reason of the fact that the living space allotted to Indians was very small as compared with the living space allotted to Europeans. 224,350 Indians have only allotted to them 240 acres while 70,710 Europeans enjoy 5,312 acres. The question that one would naturally like to ask the South African Government is, "What did they do to provide Indians with suitable land?" If Indians had been provided with suitable land, it may be that they would not have cared to go near the white settlers. But, Sir, we are opposed to this policy of legislatively segregating the Indian. The real difficulty with the South African Government is that they do not look upon the Indian as a permanent element in their population.

12 Noon.

Now, Sir, the Indian is a permanent element in the South African population. He went to South Africa in 1860 or thereabouts at the request of the South African Government. He has helped to build up modern South Africa. It is partly due to his industry and thrift that South Africa is a prosperous country. He has performed a useful function in the economy of South African life. Therefore, apart from any other consideration, the South African Government should recognise that it is its duty not to treat Indian nationals in the way in which it has been treating them.

In 1918 and 1922 we agreed to the principle that the composition of the population of a Dominion is a matter for the Dominion concerned to determine. We agreed that South Africa had the right to determine the composition of its population. There is no question of any fresh emigration. The only question that we have got to consider is : what is to be the position of the Indians settled in South Africa? As I was reading the debate in the House of Representatives and the Senate I was struck by one argument which was used by a number of members. They said "Well, these South African Indians look to the Government of India for protection. They must not look to the Government of India for protection. They must look to us for protection, because we do not want outside intervention". If the South African Indians had been enjoying Municipal and Parliamentary franchise, if they had a share in administration—they have no share in administration at all, they and their children cannot get admission in the public services and the universities, if there were not a number of laws which restricted their capacity to carry on their trade in their own way, well, there would have been no case for our intervention in the affairs of another country. But these Indians went with the approval of our Government in 1860. They are denied equality of political rights in South Africa. They have no means of protecting themselves. Therefore we have a responsibility towards these Indians and we must fulfil that responsibility and it is nonsense on the part of these representatives of the arrogant white races in South Africa to say that India has no right to intervene in the affairs of its nationals in South Africa. We cannot look upon it as a purely South African problem. If India were an independent country, then the treatment which South Africa has meted out to its Indian nationals would have been a good ground for going to war with the South African people. What was Hitler's—I am not saying that the defence was an honest defence—what was Hitler's defence when he went to war with Poland? He said, "My German nationals are being ill-treated by the Polish people". What was his defence when Munich was enacted? He said that the Czecho-Slovaks are ill-treating the Germans. We had recently the case of a diplomatic rupture between Poland and

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Russia. The Russian Government broke with Poland because it falsely accused Russia of having murdered 12,000 Polish officers. If we were an independent country, we would have taken our vengeance upon these wretched white settlers of South Africa whom we detest with all the righteous hatred of which we are capable. Sir, it is not a question of Indian independence. It is not a question of Indian self-government. This is a question of Indian *izzat* and I tell you, Sir, that we value our *izzat* more than we value any other thing in life. If you treat the Indian in any part of the British Commonwealth or the British Empire as unequal to you in status, then you destroy the very foundations of that Empire; you sap the very foundations of that Empire. You do something which will affect our allegiance to your Empire or Commonwealth ideal. I speak, Sir, with a certain amount of warmth because it is impossible for an Indian not to feel that behind all these restrictions there is this racial prejudice and this is because we happen to have a different colour from the South African. I do not know that we all have a different colour. I have seen some South Africans who are pretty dark. This prejudice that the South African has against us is really intolerable.

Now, Sir, the real question is what should be done in the immediate present. It is quite clear that the Government of India have shown exemplary patience with the South African Government. The Honourable Mr. Bozman has made it clear that they made several representations to the South African Government. They made representations to the Secretary of State for India who took little notice of them but the South African Government has not listened to our representations at all. What should we do? The first suggestion is that we should recall our High Commissioner. I will just indicate what my view on this question is. First of all I should like to pay a tribute to my friend Sir Shafaat Ahmed Khan for the very good speeches, for the spirited speeches, which he has been making on this pegging Bill in South Africa. He has been doing good work. My first impulse was to support the suggestion that the High Commissioner should be recalled. I think as a gesture it might have been good, but I think this is exactly what the Union Government would perhaps like. They do not want the presence of a man who can act as the spokesman of the Indian community and stir up trouble among Indians. Therefore, Sir, after having read the debate I have come to the conclusion that it would be unwise for us at this juncture to recall our High Commissioner. We should send for him and we should have a discussion with him and we should arrive at a decision only after we have had full discussions and consultations with him. We should keep this question of the recall of the High Commissioner an open question. The second way in which we can retaliate against South Africa is by applying economic retaliatory measures. We send to South Africa textiles, jute and some essential foodstuffs like rice and I would suggest that we should stop exporting these things which we need very badly in this country to South Africa. We should have no export or import relations with South Africa. The third thing that I should suggest is that we should apply the provisions of the Reciprocity Act that South African officers should not be allowed to command regiments in which there are Indian soldiers also. We do not want any South African to command Indian troops. We cannot command South Africans. It is not for us to defend their country. If Dr. Malan had his way he would have made peace with Hitler. But we do not want our men to shed their blood for saving their civilization, which we thoroughly detest, from destruction. We should like to see the end of this type of South African civilization. It is a wretched civilization; it is a civilization based on social, economic and political injustice and the sooner it disappears the better for the world. We make no distinction between South Africa, Hitlerite Germany and Tojo's Japan. I do not say Mussolini's Italy, because Mussolini has already gone into oblivion.

The last suggestion that I should make is that we must find out what the number of South Africans in this country is—it may be very small—and we should impose upon them the same disabilities to which the Indians are subject in South Africa. One of the Ministers, Colonel Stallard, talked of the City of Benares as a cosmopolitan town, which is open to everybody because there was no European penetration in that city. But I should like the cities of Benares, Calcutta and Delhi not to be open to any South Africans. They must not be allowed to go anywhere that they like

in this country. We must segregate the South African as he has segregated us and we should if possible find him quarters in remote parts to live there if he wants to. We must have full information as to who is a South African and who is not; the police must be after the South African in this country. We cannot tolerate the insolence of these white settlers of South Africa. They represent a dark element, an uncivilized element, an unjust element, and the sooner we do everything that we can to bring them to a sensible state of mind the better for the world.

THE HONOURABLE MR. M. N. DALAL (Bombay : Non-Muhammadian) : We will have a further opportunity of going into details on this when the Reciprocity Bill comes before this Honourable House. I would, therefore, today just confine myself to general remarks on the pegging Bill.

Mr. President, Indians went to South Africa centuries ago. They are responsible for the economic prosperity of that country and yet Indians today are forced to a colour bar, which has no precedent in history. If Indians are fit to die on the battlefields with the whites are they not decent enough to breathe the same air with the whites in South Africa? What is the difference between the treatment meted out to Indians in South Africa and the treatment given to Jews in Nazi Germany? This Bill has played into the hands of Berlin and Tokyo who applauded it as propaganda against the United Nations. South Africa will regret the day they put this Bill on their Statute-book just as Hitler and Goebbels will some time regret the day they innovated their catch phrases like the German Lebensraum and Deutschland Uber Alles. India's self-respect as a civilized people is involved in this struggle and the only way we can counteract these acts of humiliation is by immediate retaliation by amending the Reciprocity Act and by trade and economic sanctions against the Union of South Africa. I am aware, Mr. President, that there are people in this country who talk of the boomerang effects of retaliation and economic sanctions. They talk of international and inter-racial amity and unity in peace and in war. but Mr. President I ask you when negotiation, reconciliation and representation fails what is the remedy? Retaliation is the only answer to secure for our 2½ lakhs of Indian Nationals in South Africa their just place in a British Dominion. It is futile to enforce retaliation after the war for after the war South Africa will no longer be dependent for its essential requirements, like foodgrains, jute and jute products, textiles. After the war search for substitutes and alternative sources of supply will be so great that no nation will be dependent upon another. Mere threat on paper by improvising enabling legislation containing an element of threat against the self-respect of South Africa is not going to help us at this juncture. It must also be remembered that India in the past has enforced sanctions against Ceylon, against Malaya and against Zanzibar. Self-respect and freedom from domination are not given by one people to another as a gift. We, and on our behalf the Government of India, must fight, suffer and sacrifice to secure for our 2½ lakhs of Indian Nationals in South Africa their just place in the honourable freedom of the world.

THE HONOURABLE SIR A. P. PATRO (Nominated Non-Official) : There is a common saying among the village people that hot water will not burn the hut of the peasant. If that is so, it applies to a discussion of this problem very much. What is it that we can achieve by our righteous indignation and by our protest—and protest we must—against the insolent injustice done to Indians in South Africa, especially in Natal where we were invited, we were begged, and the Government of India had to yield to the entreaties of the white people in Natal and to allow Indians to emigrate to that country and build up the economic edifice in which they are now living happily? Soon after the white people found that there was a comfortable economic situation created by the labour of Indians, they began to ill-treat them; they began to cut the hand which had fed them. Indian labour has made Durban what it is today. Even what is denied now is the coastline which was occupied by Indians from the very beginning and which was granted when the indenture terms expired. Occupation in these areas also is denied to Indians. Could there be a more gross injustice or more Hitlerian method than this kind of thing? Need I say that in the Transvaal there have been breaches of many agreements; promises have been made by the British statesmen from time to time and these promises have encouraged hope that sometime or other Indians will have their liberties restored. But what is it that we can

[Sir A. P. Patro.]

do ? We are not a dominion ; we are only a dependency as they say. If we are a dependency and not a dominion, then what could we do in order to enforce justice on the people of the Union, on the Parliament of the Union, and on the Union Government ? Sanctions, we have none. The British Government have peculiar relations with the dominions since the Statute of Westminster. Under the Statute the Dominions have got power to declare themselves independent. In fact, as we find the situation in South Africa today, there are two parties in the Union, one entirely against the war, the other in favour of the war, and elections are going on at this juncture to decide the question.

This Act was got passed, I should say, as an election manoeuvre, with a view to defeating the just claims and interests of the Indian people. After the elections, will there be wisdom in the Union Government ? Will wisdom dawn on that Government ? I do not think so. They have tasted blood once, and they will try to oppress the Indian people as much as they can. As we have no sanctions behind us, the Government of India can only make representations and protests against the treatment meted out to Indians and against the violation of the many promises that have been given before. The Government of India may carry on correspondence with the Union Government in this matter, but what good will it do to improve the position of the Indians ?

It is suggested that we must cut off supplies. What are the supplies ? Textiles and rice are mentioned. But they are used for the benefit of Indians themselves and by cutting off those supplies you will only damage the interests of the Indians themselves. Therefore, the remedy of cutting off supplies to South Africa is not at all a happy one. It is said that we must retaliate against the South Africans; and we must do it in every possible way. We are told that we must say that we are also prepared to do equal justice and in an equally insolent manner to them as they have been doing to the Indians. It seems to me that not having sanctions for enforcing our resolution, it is no use our being very vehement or using words which would create irritation and ill-feeling rather than bring about conciliation. I am not one of those who advocate that we should try conciliatory measures with South Africa. There may have been something in the suggestion at other times, but now things have gone so far that it is useless to pursue a policy of conciliation. Therefore, the only alternative left to us is to resort to retaliation.

Now, as to how best to retaliate is a matter not to be disposed of without considering its effect on Imperial interests. We have to consider the interests of other dominions, the interests of the British Government, and the interests of the war above all—how far the war effort would be affected by our retaliatory measures ? This question is one which we should consider seriously. But at the same time I say that we should not lag behind in our determination to do everything that lies in our power to assert our rights here and in South Africa. The recall of the High Commissioner has been suggested as one of the measures. What can the High Commissioner or any representative do alone in a country where the whole white public opinion is hostile to India ? His position will be very difficult. It is marvellous that he has been doing very good work in South Africa. It seems to me that it is no use wasting words here. The only thing to do is to record our protest, that we would like to adopt the same methods as the Union Parliament have adopted against Indians. Field-Marshal Smuts says that Indian soldiers fought hard in the last Boer War. He gives credit to them for having made heroic efforts. Where has all that gratitude and that manly feeling which was shown towards Indians gone now ? Their purpose was served. Indians were used to gain their end. Indians now have to take the place of persons who are no longer of any use to the South Africans. By their prudence, frugality, business habits and their wisdom they have built up the present economic structure of South Africa. They have raised funds with which to acquire properties which the Europeans are not able to maintain. Indians come to their rescue and purchase those properties, and that is a great crime in the eyes of the South Africans. They have committed a crime by being frugal, by being loyal, by being useful in building up the Transvaal and Durban, and therefore they have to go. This is inhuman ; it is unheard of in history anywhere else but in South Africa. If this is the attitude of the Dominions, woe to the British Empire !

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (United Provinces Northern : Non-Muhammadan): Mr. President, I cannot consider the question before us apart from the background of the war. His Excellency the Viceroy bore eloquent testimony to the help given by India to the Allied cause wherever it was asked for. The exploits and achievements of our troops in Africa are too well known to require recapitulation at the hands of any member here. I think we may broadly claim that the efforts of the Indian soldiers and the support given by India are to no small extent responsible for having cleared Africa of the Axis forces.

South African forces have fought side by side with Indian troops. And yet the attitude of the South African whites towards Indians remains unchanged. Ordinary decency and gratitude required that at least so long as the war lasted no anti-Indian legislation should be undertaken by the Union Government. But while Indians are being praised in every quarter for the dash and courage which they have shown in every theatre of war, while the world is ringing with praises of them in connection with their achievements in Tunisia, the Union Government has chosen this very moment to pass an Act which subjects India and Indians to the stigma of inferiority and creates bitter feelings against the Union Government and the Empire throughout the country. Indians are asked to give the utmost possible help in connection with the war. But can any one blame us if we feel that the only result of our achievements in Africa will be to render South Africa and East Africa safe for the anti-Indian whites? If this is the net result of the gallantry and endurance of our troops and their attachment to the cause of freedom, we may well ask that the burden of the war, which will enure only to the benefit of those parts of the British Empire which are inhabited by the whites, should be borne entirely by the white population of the Empire.

Sir, there is another fact also which should be borne in mind in considering the anti-Indian legislation which the Union Government have recently passed in reference to the Transvaal and Natal. We all know the main provisions of the Cape Town Agreement. I should, nevertheless, like to read out to the House one of the most important clauses of that agreement which the Union Government have signally failed to carry out during the 17 years that have elapsed since that agreement was concluded. That clause runs as follows:—

“The Union Government firmly believe and adhere to the principle that it is the duty of every civilised Government to devise ways and means and to take all possible steps for the uplifting of every section of their permanent population to the full extent of their capacity and opportunities and accept the view that in the provision of educational and other facilities, the considerable number of Indians who will remain part of the permanent population should not be allowed to lag behind other sections of the community”.

Sir, it is well known both to the Government and to the House that the promises made in this clause with regard to the uplift of the Indian community have remained a dead letter notwithstanding all the efforts made by the Indians to draw the attention of the Union Government to their vital importance to the future interests of the Indian community in South Africa.

Sir, we cannot appreciate the significance of the pegging legislation passed by the Union Government until we consider it in relation to the two basic facts, the war and the Cape Town Agreement to which I have just drawn the attention of the House. The whites, in order to achieve their avowed policy of driving Indians out of South Africa, from time to time raised the cry of “White South Africa in danger” in order to create deep and widespread prejudice against Indians in the territories of the Union. They have, with this object, accused Indians more than once of having broken the undertakings that they had given and penetrated into European areas. The second Broome Commission which reported not very long ago has found that the Indians, during the two and a half years with which it was concerned, i.e., September, 1940 to February, 1943, have acquired more property than they had during the previous 13 years. That may be true, but it should make no impression on any impartial person unless he is told what is the amount of land acquired by the Indians and what is the proportion of the Indian-owned land to that owned by the other section, the whites. The Honourable Mr. Bozman, by his lucid and comprehensive speech which has considerably lightened our task, has laid us under an obligation. But I regretted the omission from his speech of all references to the replies given by the Natal Indian Congress to the unjust charges brought against

Pandit Hirday Nath Kunzru.]

them by those who are imbued with racial prejudice or who are the business and trade rivals of the Indians. Sir, If we take the facts relating to this subject into consideration, we shall find that the propaganda that has been carried on against the Indians on the ground that they have acquired an unduly large area of land during the last two and a half years is thoroughly unfounded. The trouble in Natal which owes its prosperity to Indian labour is confined to the old Borough of Durban. In this Borough, out of a total of 8,274 acres, Indians hold only 359 acres including the 150 acres acquired by them during the last two and a half years. Even granting that the Indians acquired much more property during this period than during the previous 13 or 14 years, can any one in face of these figures accuse them of trying to oust Europeans from the localities in which they had been settled for a long time? Take again, Sir, the European and Indian population in the old Borough of Durban. The European population amounted in 1942 to a little over 81,000 while the Indian population amounted to a little over 25,000. The Indians were thus about 24 per cent. of the whole and yet they occupied only 4 per cent. of the land in the old Borough of Durban. If the rateable value of land were considered, we would find that the allegations made against the Indians equally were unfounded. Sir, in view of these facts, it is clear the nervousness that has been created by anti-Indian propagandists in South Africa is absolutely unjustifiable.

The real reason, Sir, for the acquisition of property by Indians in recent years is that other channels of investment have been closed by the war. They wished, therefore, to invest their money in landed property. It should be pointed out at this stage that not all the land owned by Indians is occupied by them. It has been pointed out by the Natal Indian Congress that out of 326 sites owned by the Indians only 54 are occupied by them. This, Sir, further disproves the truth of the allegation that Indians are penetrating at an alarming rate into white areas. The first Broome Commission had made a distinction between the ownership and the occupation of property on the ground that occupation was a more important test of penetration than ownership. Yet the second Broome Commission has disregarded this fact and dealt with all areas, whether owned or occupied by Indians. Sir, another reason why Indians have tried to acquire property, apart from that of investment, is that they are anxious that they should take advantage of the present occasion to raise their standards of living. And how can they raise these standards unless they live in a better style and in better localities? But when they try to conform to the so-called Western standards of life and to show that they are ready to accept the obligations of South African citizenship they are branded as a danger to the whites and action is taken against them to prevent them from bringing themselves up to the economic level to which it was the duty of the Union Government to assist them to come up. Again, Sir, Indians have been frequently blamed in the past for sending away their earnings to India. But when they try to keep their earnings in the country of their adoption, when they invest them in landed property or in business in South Africa, there is a clamour against them and the Government, whatever its political complexion may be is pressed to take as strong steps as possible to check the expansion of the Indian community.

Sir, these plain facts in connection with the Indian position in South Africa, are more telling in my opinion than any general indictment that we can frame against the South African Government. The Union Government have themselves realised that the municipality of Durban has not discharged its duty towards Indians by providing adequate land for Indian housing and has expressed its intention of appointing a Commission to go into this matter and afford Indians facilities for the ownership and occupation of land. I do not know when this Commission will be appointed. So many promises given in the past have been broken that I for one am not at all confident that the promise now given will be carried out. But if the South African Government are serious in their intention to appoint such a Commission, why did they fail to accept the suggestion made by the Government of India that there ought to be an inquiry into this subject before any action was taken against Indians?

Sir, I have dealt at length with the question of Indians in Natal, because the large majority of the Indians in South Africa consists of Natal Indians. I have not dealt with the case of the Transvaal because that has been already referred to.

by my Honourable friend Mr. Bozman. I may, however, Sir, with your permission, only refer to the fact that the pegging legislation, apart from humiliating us as a nation, inflicts a serious economic injury on our countrymen in South Africa. In the first place, it prevents Indians even from occupying or purchasing land which they were legally entitled to occupy or purchase before it was passed. In other words, they are prohibited from acquiring even the land to which the Gold Law of 1908 does not apply. In the second place, the Indians will not enjoy, while the pegging legislation is in operation, the right to trade anywhere in the Transvaal. Before the pegging legislation they enjoyed that right. But the pegging legislation takes away that right from them, a right for which Mahatma Gandhi fought and the retention of which he succeeded in bringing about. Again, Sir, Indians are prevented now by the pegging legislation from transferring their business from one place to another in the same township. The pegging legislation has been renewed for three years in spite of the fact that the first Broome Commission pointed out the absolute unreality of the claim that the acquisition of property by Indians in the Transvaal or its occupation by them constituted a serious threat to the European community. It was because of this that Mr. Hoffmeyr strongly opposed the pegging legislation in so far as it related to the Transvaal. He felt so acutely on this point that he tendered his resignation to the Union Government. It has not been accepted by the Union Government but their refusal to accept it does not detract from the significance of the step taken by Mr. Hoffmeyr under a compelling sense of duty.

Sir, I do not want to go any more into this question, but I should like to ask my Honourable friend Mr. Bozman what help we have received in this matter from His Majesty's Government? He told us that the refusal of the South African Government to acknowledge the representations made to it on a particular occasion by the Government of India was brought to the notice of the Secretary of State for India. I should have liked him to tell us what help we received in this connection from His Majesty's Government who are never tired of telling us that they are trustees for the welfare of the people of India. If they are our trustees it is their bounden duty to help the Government of India at this juncture and not merely to think of the susceptibilities of the South African whites. If the maximum efforts of the people of the Empire are required in connection with the war there is greater obligation resting on the South African whites in this connection than on the people of India.

Sir, Indians who, as admitted by the highest authorities, have given magnificent help in connection with the war, have been subjected to serious indignities which have been brought to the notice of the House from time to time, but how have the Union Government, which are anti-Asiatic to the marrow of their bones, dealt with the Japanese? The Japanese are Asiatics no less than we are, yet, Sir, in accordance with the Trade Agreement arrived at some time ago between the Union Government and the Japanese Government, the Japanese have been exempted from the operation of all laws preventing Asiatics from occupying land anywhere. This shows, Sir, that we can negotiate with the South African Government only when we possess full political power. In East Africa, Sir, and in South Africa till the outbreak of war, Europeans of all nationalities could settle anywhere they liked—including Italians and Germans—and I do not think that I shall be far wrong if I say that however strong the feelings among the Allies against these people may be now, after the war, they will come to be treated on the same footing as the other whites, while the poor Indians, whose only fault is their frugality and industry and the ungrudging help that they have given to the Allies during the war, will continue to suffer because of the colour of their skin.

Sir, in this situation it is absolutely necessary for the Government of India to take whatever steps they can to retaliate against the South Africans. I was rather disappointed when my Honourable friend Mr. Bozman said that the Government of India had not made up their mind on this question. I think we have a very legitimate grievance against them for having kept their mind open on the subject still. When are they going to make up their minds?

THE HONOURABLE THE PRESIDENT: I understood Mr. Bozman to say that subject to the discussions which took place in the two Houses. He qualified that statement.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Well, I do not know whether the discussion in this House will throw much light on the line of action to be taken.

THE HONOURABLE SIR RAMASWAMI MUDALIAR (Supply Member) : The Honourable Member is not doing justice to himself.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : I think it is a significant fact that my Honourable friend Sir Ramaswami Mudaliar has rushed in where my Honourable friend Mr. Bozman feared to tread. Mr. Bozman realises that the main facts of this question are known to the members of the Legislature and have been looked into repeatedly by the Government of India during the last two or three years. One would have expected of him, therefore, to tell us what action the Government of India is going to take but since he still asks for our advice I say that the least that should be done is, in the first place, to remove all South Africans from the Services in which they are engaged in India. Whether they are in the Indian Civil Service, in the Indian Police or the Indian Medical Service a clean sweep must be made of them. In the second place, we should be prepared to suffer material losses in order to retaliate against South Africa for the purpose of vindicating our national self-respect. There should be no weakening on this point but if the Government of India cannot what I have suggested to protect our honour we shall cease to regard them as our representatives as we have done hitherto in connection with questions relating to Indians abroad.

THE HONOURABLE MR. R. H. PARKER (Bombay Chamber of Commerce) : Sir, the Honourable Pandit Kunzru started in the earlier part of his speech by congratulating my Honourable friend Mr. Bozman on his statesmanlike exposition of the position. He then ended, as far as I could understand him, by suggesting that Government ought not to have consulted the House and asked their views. Well, if that is the position I must say I am sorry for the Government of India, because if there has been one thing more than any other which I have noticed for the eight or nine years that I have been here, it is the criticism that the Government of India continue to decide matters without asking what the Council think about them. I am sorry for the Government of India and I must sympathise with them. I think myself that it was perfectly right that Government should have brought this matter before the House and I think they would have been wrong if they had not done so.

Now I have found in my life that when problems arise, which are being studied on paper and which appear to be incapable of solution on paper, the best thing to do is to get into the nearest aeroplane, train, motor car or whatever means of transport is available and go and discuss things with the other man. That is the line of approach which I would like to recommend to South Africa and to India. I would like a delegation to go from India to discuss these matters. Obviously there is some cause of trouble. You do not have this kind of legislation—wrong though it may be—you do not have it unless there is some basic trouble. Now what is the trouble? I do not know, I doubt if anybody here does know, or perhaps they do: my ignorance may be greater than theirs. But I think the best thing to do is to sit round a table some time and discuss things and find out what is the root cause of all this trouble so that we might be able to see what the answer is.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : There have been two Round Table Conferences already and their result has been nil.

THE HONOURABLE MR. R. H. PARKER : In recent years?

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : In 1926 and 1932.

THE HONOURABLE MR. R. H. PARKER : Do you think that nothing has happened since 1932?

Well, personally I would strongly recommend that. As Honourable Members know for the last 15 or 20 years the European Group in the Central Legislature has always stood for fair play for Indians overseas. For that we stand now and for that we will stand. I think myself that if there is one duty in life that is greater than any other it is the duty of the powerful man to the man who has little power, of the majority to the minority, and that we stand for now and always.

The Council then adjourned for Lunch till Three of the Clock.

The Council re-assembled after Lunch at Three of the Clock, the Honourable the Chairman (Sir David Devadoss) in the Chair.

THE HONOURABLE RAI BAHADUR SRI NARAIN MAHTHA (Bihar : Non-Muhammadian) : Mr. Chairman, Sir, I have no desire to deprecate the speech of my Honourable friend Mr. Bozman, and I want to make it clear that it was not the desire of anyone who spoke from this side of the House to deprecate anything that he said. I confess he spoke with a great deal of frankness, but with a great amount of despair as well. He gave a long history of the futility of efforts made by the Government of India, but there he ended. He had perhaps no hope that the white races of Africa could be made any more human than they have been so far. There is a well known story about a goat which went out to protest to everyone it met about the treatment that the members of its species received at the hands of all meat-eating humanity. All its protests went in vain. Ultimately, when the goat reached the final tribunal of God himself, the Great Lord Almighty Himself said, " Well, you look so meek and humble and soft that I feel myself tempted to eat you up ! " That has been the fate of all the protests of the Government of India, and consequently that has remained the fate of the people whose destinies they hold in thier hands. Sir, the Government of India know whipping and caning fairly well, and they have never been slow to whip and cane Indians. But they do not know how to use their cudgel to protect Indians from ill-treatment by others within this very Empire in which we are stated to be privileged to live.

It was rightly pointed out by some of the previous speakers that wordy protests are of no value and that we must enforce economic sanctions, and I would add military sanctions if necessary. For, what may I ask, have we paid the Indian Army for all these long years ? Have we paid it to defend African independence, or have we paid it to defend our own self-respect and prevent others from unjustly trampling over our rights ? Sir, Indians, as everyone knows, were taken to Africa under great allurements and promises, and were used to build up a good part of what Africa is today. Indians were quite welcome when they went to fight the Germans and Italians on African soil, to stand side by side with the African white people to fight and die for the deliverance of Africa. But the Indian is much too repugnant, too repulsive a being to be allowed to live with those whom he defended. Can ingratitude go further ? With apologies to Shakespeare, I would say, " Ingratitude, thy name is Africa ; thy face is General Smuts ! " Indians in Africa have seen the anomaly of having to defend the freedom of a country where they could not live even though they were settled there for generations.-

Sir, I am sure that we do very little trade with Africa. Our exports of jute and textiles have perhaps gone up considerably on account of the war. But, we need all our textiles here today ; we need not send them to Africa. If at all at any time we had any foodstuffs sent to us from Africa, they must have been very negligible indeed, and we would rather starve and die honourably than live on food imported from Africa. I advocate stoppage of trade relations with South Africa altogether.

I have at this stage one complaint to make. I am not a member of the Standing Emigration Committee, but I feel it is a just grievance to put forward, that Dr. Khare did not invite the members of the Emigration Committee, as such to the conference which he called. The matter, indeed, should have been placed before that Committee first. What is the Emigration Committee for if it is not to deal with a question of such importance regarding Indians overseas ?

Sir, the Honourable Mr. Bozman read out portions of remarks made by some Africans who spoke on the pegging legislation. Admittedly they had a better sense of justice and fair play than evidently is the natural characteristic of their race. But the majority carried the day, and today the blackest spot on any Statute-book in the world is the pegging legislation. The only fault of the Indian perhaps has been that he has shown himself to be frugal and industrious and has contributed to the development of African industry. He is condemned for sending his money to India and debarred from investing it in Africa.

One or two members who spoke before me spoke about the withdrawal of the High Commissioner from South Africa. I wish this question to be looked upon a

[Rai Bahadur Sri Narain Mahtha.]

little more coolly and cautiously. Sir Shafaat Ahmad Khan has acquitted himself very well indeed on this occasion, and I feel pretty certain that the Union Government do not love him or like his presence in Africa. Sir, the most salutary rule of every warfare, every fight, every struggle, is to find out what the enemy or the other side does not want, and to give him plenty of it. Therefore, Sir, I would much rather enforce all kinds of economic sanctions against Africa. I would have no trade relations with Africa at all. I would sack all Africans in our service. I would prevent any Indian from working under any African; and I would withdraw all Indian troops from Africa. The last one I consider to be the most important and the most effective way of making Africa feel that if they would have nothing to do with us on honourable terms, we will have nothing to do with them at all.

I say all this because howsoever satisfied the Government of India may be, I cannot persuade myself to believe that His Majesty's Government have done their best and used all their weight and failed. They certainly have not done enough. That mighty and great Mr. Leopold Amery that worthy father of a worthy son, John Amery, talks so charmingly about the British Commonwealth of Nations which Indians under present conditions can only regard as the British Stolen-wealth of Nations. The arrogance of the African is such that every Indian would advocate that India for her own self-respect must go out of the Empire if for nothing else at least for the treatment the South African is allowed to give the Indian in South Africa. Every little worm in India would turn and bite if His Majesty's Government do not help India in all possible ways to remove all improper discrimination against Indians within the Empire. If they will not do so, then His Majesty's Government cannot blame the Indian for thinking that it is the confirmed lot of the Indian to remain a slave at home and his privilege to remain the same abroad. I feel that His Majesty's Government have a difficult position to justify. The Indian cannot be fooled to believe that His Majesty's Government are powerless in this matter.

*THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR (Madras: Muhammedan): Sir, before making my observations on the subject, I should like to express our appreciation of the free and frank manner in which our Honourable friend, Mr. Bozman, has put the whole matter before the House.

Sir, after all that has been said by the Honourable Members who have preceded by me, there is hardly anything left for me to add and if I intervene on this occasion, it is mainly to show that we, the Muslim League Party in this House, fully endorse every sentiment that has been expressed in this House on this occasion. Sir, the moment it was known here that the South African Government was proposing to introduce this wicked legislation in the Parliament there, there was a storm of protest, a universal outburst of indignation and resentment, throughout the length and breadth of India, and this intensity of resentment, this keenness of indignation, was mainly because the moment chosen for the purpose was the most inopportune moment, was the most ill-suited. This action was proposed to be taken at a time when India has been and is making such great and important contribution to the Allied cause. The attempt was made at a time when the Indian blood which has been shed on the battlefields of North Africa has not had time enough even to dry up. This attempt was made at a time when Indians had been making such great contribution, when the valour and military skill of the Indian soldier had done so much to clear North Africa of the Axis and to that extent made South Africa safe for the whites to live in there.

Sir, as you know, this is not the first occasion when our nationals abroad have been subjected to such indignities and disabilities. For a long time past, our countrymen who have migrated to the other parts of the British Empire have had these indignities and disabilities heaped upon them from time to time. To whatever country the Indian migrated, whether under a system of indentured labour or on voluntary migration, the Indian has always tried to help and improve the country.

The Indian has helped in improving and enriching the country by making proper use and developing the natural resources of the country. He always has made a great and very substantial contribution to the development and prosperity of the country. But what is the reward for the Indian's ability, for his industry, for his interest, for his love and consideration to the country which has given him shelter for the time being? The reward has always been utter ingratitude, as has been remarked by my Honourable friends who have preceded me. The reward has been utter ingratitude, exploitation and relentless persecution. This very country of South Africa, which has profited so much by the industry and enterprise of the Indians there, has been trying for years past to drive the many Indians out of that country. As you know, Sir, Africa would not have been what it is today but for the enterprise, the strong sense of duty, the frugality and industry of the Indians that are settled there. In this connection, what pains us most is not so much the indignities, the disabilities that have been heaped upon the heads of our countrymen in those places, but it is the painful consciousness of our helplessness in this matter. We complain, we lodge protests, we express resentment, even the Government of India protests, but the South African Government goes on merrily forging one legislative measure after another heaping disabilities upon the Indians there. It seems to me, Sir, that unless we take to measures different from those which we have been resorting to ordinarily, unless we apply a drastic remedy to this chronic disease, we will find that there is no way out of the present difficulty. I would, therefore, express my complete agreement with all that has been suggested by the previous speakers about the various steps that have to be taken by way of retaliation. I would suggest that there should be a complete severance of our trade relations with South Africa. I would suggest that every South African, wherever he may be, in whatever corner of our country he may be, he should be found out and placed under the same amount of disabilities and hardships that have been heaped upon the innocent heads of our people in that country. Sir, it is not that we are vindictive by nature. India has always been known for its tolerance. She has been tolerant even to a fault. But when we find that this very tolerance has been the cause of encouraging those people in their sinister motives, in their wicked acts, we have to revise our conduct, we have to take to measures which we do not ordinarily approve of but which we are forced to take to in the circumstances in which we are now placed.

Sir, that this retaliation would have a salutary effect upon the present situation is proved by the fact that it was only by this means that another country in Asia was able to bring South Africa to its senses. Today a Japanese who goes and settles in South Africa will have equal rights with the whites there. Japanese who are the enemies of Africa, who belong to a country which is waging war against the Allies, who are trying to deprive the Empire of which South Africa is a part and parcel of its freedom and liberty, these very Japanese will be given equal rights and tolerated while Indians who have done so much for the prosperity and improvement of that country are to be hounded out of that country. Sometime ago South Africans wanted to impose similar disabilities upon the Japanese but the Japanese retorted by proclaiming that they would have nothing to do with South Africa in the matter of trade relations, that they would cease to purchase their wool, that they would cease to import from and then they came down on their knees and begged them not to take those steps and that they would treat them well. There has been some suggestion here that we should continue to negotiate with South Africa. But I think in the light of the experience that we have had, in view of the poor result that has been achieved by negotiation, it will be sheer waste of time, it will be a sinful waste of time and a positive dereliction of duty if we delay even by one moment the proper action that has got to be taken by us—the retaliation that will have to be resorted to.

The House is very thankful to our friend the Honourable Mr. Bozman for the frankness with which he spoke, but there was one omission in his statement of the case, as has been pointed out by the Honourable Dr. Kunzru. He failed to tell us what steps the British Government had taken to remedy the evil, how far the British Government tried to set matters right. As we are not aware of the actual action that the British Government had taken in this matter we are led to believe that His Majesty's Government has not done its duty by this country. If only Britain had protested, as it ought to have done, if only Britain had stood up against the action

[Syed Mahomed Padshah Sahib Bahadur.]

of the South Africans, I feel sure that the South African Government would have been brought to their senses and would have been persuaded to refrain from enacting this wicked Bill. A suggestion was also made some time back—that suggestion has now been dropped—that by way of retaliation we should call away our High Commissioner in South Africa. At the outset this suggestion appealed to me also. But the events which transpired subsequently lead me to think that this would be a most ill-advised step to take. It will be playing into the hands of the South Africans, playing the very game of the South African Government; it will also deprive us of an Agent of ours who would be there to check these evils to the extent that it is possible for him. The present High Commissioner of South Africa, as we know, has discharged his duties in a very responsible and very creditable manner. The speech which we made at the Conference some two months ago goes to show the depth of his feelings. It is manifest from all this that the High Commissioner has been doing his duty quite efficiently. If he has failed to bring about the desired result, it is because of the impossible conditions under which he finds himself. We should strengthen his hands. We should also be giving effect to the wishes of our nationals in South Africa if we resort to retaliation. As Sir Shafaat Ahmed Khan has always been evincing great solicitude and great interest in this question and, as has been remarked by my Honourable friend Mr. Sapru, as he has been doing his duty quite well, he should be kept on in South Africa.

Just one word more, Sir. There is nothing to prevent us from taking this step by way of retaliation, because I understand that the Indians in South Africa desire us to do that. When we know that our brethren in South Africa are desirous that we should resort to retaliation and when we know that every other attempt has failed to bring about the desired result, I think there is only one course left to us and that is the course to do tit for tat to South Africans.

THE HONOURABLE RAJA CHARANJIT SINGH (Nominated : Non-official) : Sir, I should like to express my appreciation of the clear and lucid statement made by my Honourable friend Mr. Bozman. Her Imperial Majesty Queen Victoria declared and Their Imperial Majesties King Edward VII, King George V, King Edward VIII and King George VI affirmed and repeated that declaration, that there will be no distinction of colour and religion in the British Empire. It is an irony of fate that the Union Government which owes allegiance to the same Sovereigns has shown such scant respect to that Declaration, which is rightly held as the Magna Charta of this Empire. The repeated and emphatic representations made by the Government of India, for which they deserve our sincere thanks, have elicited no response and have fallen on deaf ears. The Union Government have clearly failed to realise the imperative necessity of treating a loyal section of their fellow-subjects in a spirit of equity and in accordance with their rights as free citizens of the British Empire, and that too at a time when our soldiers are fighting side by side with theirs for the ideals of the same Empire. This has caused, in the words of His Excellency the Viceroy, "profound regret" both to the Government and people of this country. The duty of India now is clear. We must not take the insult lying down. The only question is how should we retaliate, because no protest, however emphatic, will have any effect unless it has got sanctions behind it. To my mind the recall of our High Commissioner is not advisable as long as our nationals are in South Africa. Sir, other practical means must be found and devised and I am personally prepared to leave them and their execution in the hands of the Government of India.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan) : Sir, I am one of those who believe that ungratefulness is the biggest sin that one can commit and that applies in the case of the Union Government. Every one knows that Africa was conquered by the Indians and before the conquest the Boer who were the enemies of the British, were then fighting against Britain. The Proclamation of Her late Majesty Queen Victoria lays down that there should not be any distinction between the various classes and creeds of subjects, but I find that in Africa the Union Government has been violating this pledge. General Smuts does not like that any South African should be put under the command of an Indian. If my information is correct, General Smuts fell out with our popular Commander-in-Chief, His Excellency Sir Claude Auchinleck, because Sir Claude appointed an Indian Brigadier and General Smuts took strong exception to Africans being put under command

of an Indian and pressed and prevailed upon Mr. Churchill for removal of His Excellency from the Command. If I am wrong I hope Mr. Bozman, or any other member who is in charge, will correct me. According to my information Sir Claude Auchinleck was on disagreeing was relieved of Supreme Command. The self-respect of India is fast reviving and they cannot stand any nonsense of this kind. As Mr. Bozman has explained the Indian Government has done its best to get the matter put right but so far they have miserably failed and I have no hope whatsoever of its gaining the point in future. When such like things happen trade and diplomatic relations are cut off. I am not in favour of keeping our High Commissioner there. His voice so far has been in the wilderness. We quite appreciate what Sir Shafaat Ahmed Khan has done; we give him great credit for this but all the same his efforts will never succeed and my own view is that when such circumstances develop the trade and diplomatic relations must be broken off. The High Commissioner should be recalled. He cannot succeed there notwithstanding the Indian Government having put as much pressure as they possibly could, but presumably they had no support from the British Government. My own feeling is that when such like circumstances exist there must be a complete boycott of the South Africans who are serving in India in any capacity. The other day at question time the reply to the question about the number of Africans serving in the Army or on the Civil side was evaded, but we are talking of the principle and not of the personalities. Indians should refuse to work under any African. Therefore, Sir, I wish that there should be a complete break-off of diplomatic and trade relations with South Africa, I mean with the Union Government. The Union Government has been most ungrateful to Indians who have developed the country, who have made it what it is now. I understand that Indian troops are now stationed in South Africa. They should be immediately withdrawn. We do not want to help those who hate Indians. That is one of the steps which I would strongly suggest. Let the Africans fight for themselves. We are not going to shed the blood of our people for those who hate us and have no regard for us. We all feel very strongly on this point.

Sir, most of the ground which I wanted to traverse has already been traversed by my Honourable colleagues. There were only a few points which were left for me to raise and on them I strongly feel that the Government of India should break off its diplomatic and trade relations with the Union Government and withdraw all their Indian troops which are now stationed in that country. I do not want to blame anybody but my own conscience says that the British Government has not helped us to the extent, or to any extent, that it ought to have done. My own impression is that as long as Mr. Churchill is the British Premier India will get nothing. (Hear, hear.) Even the present reforms were strongly opposed by Mr. Churchill. That is not a hidden fact and we know what Mr. Amery is; how far he has helped Indian aspirations. I am now telling the general opinion of the political thinkers with whom I come into contact that as long as Mr. Churchill is Premier and Mr. Amery is the Secretary of State for India, India cannot get any advance. Sir, simply platitudes that the Indian Army has done very well do not mean anything. They have shed their blood for their King and Country but we find no reward in practice. This is one of such matters in which the British Government, the Premier, Colonial Secretary and the Dominions Secretary ought to have come forward and said, "Well, Indians have shed their blood in defence of their King and country so their feelings should be respected, their rights be safeguarded". Nothing has so far happened and God will never forgive those Africans in power who are so ungrateful. I consider the Union Government to be one of the most ungrateful Governments that does exist under the British Empire. I must say that public feeling in this matter is very strong and they are watching with interest what the Indian Government achieves and how far the British Government really helps. We are here to voice the feelings of the public and we have only to put the facts before the Government. I am glad that every member of the House who has spoken to-day, never mind whether he is a nominated member or otherwise, they have all condemned the action of the Union Government in the strongest terms they could possibly do. I do not think that our High Commissioner should remain there any longer and be humiliated and slighted any more by those people who have no regard for us. It is all the better that he should be withdrawn immediately.

[Rai Bahadur Lala Ram Sarani Das.]

When Indian troops have done so well to serve their King and country and when testimony is given even by Right Honourable Mr. Churchill—I do not know whether he meant it really or simply politically because politics are a game and diplomacy is a privilege: these are only general terms—why a great injustice has been done to them. The Government of India have done their very best, but I may say frankly that the general opinion of political thinkers is that as long as Mr. Churchill is the Premier and Mr. Amery the Secretary of State, India will not get anything.

With these words, I strongly condemn the action of the Union Government, and beseech the Government of India, and through them the higher authorities, that diplomatic and trade relations should be broken off with South Africa, and other steps should be taken to see that the self-respect of India does not suffer any more.

THE HONOURABLE MR. V. V. KALIKAR (Central Provinces: General): Sir, the indignities that our nationals have to suffer in South Africa or in other parts of the British Empire are due not only to the weakness of the Government of India, but, in my humble opinion, to our own position in India. We are not independent. We are not a free nation. Had India been a free nation, no country in the world would have dared to deal with our nationals in this way. Apart from this, it is claimed that Britain is holding India in trust in the interests of the Indians. If that theory is correct, I want to know what attempts have been made up till now by His Majesty's Government to see that our nationals do not suffer under these disabilities. Our nationals in South Africa are treated worse than Jews. It is said that the Nazis treat the Jews inhumanly. But what is the position of our nationals in South Africa? Our nationals are not admitted to public cinemas. They are not admitted to universities. They are not given employment in the public services. I understand that at railway stations separate counters have been erected for selling tickets to our nationals. We are treated worse than cattle in South Africa. No nation having a grain of self-respect will bear this sort of treatment at the hands of the Britishers. I say at the hands of the Britishers, because I have got a high authority in support of this statement. The Right Honourable Srinivasa Sastri says that it is not the Afrikaner who hates the Indians, but it is the Britishers who hates the Indians. I will read a passage from his speech recently made in Madras, and that will prove what I say:—

"The white population in Natal was entirely British. They had put pressure on the Union Government to introduce the present legislation to protect what they considered to be the European area of the city of Durban from encroachment by the Indian population. It was, therefore, not the Afrikaner but the Britisher who was at the bottom of the present troubles".
About Field Marshal Smuts he said:—

"He had not only no sympathy with the Indians' cause, but had bitter colour prejudice".

Now, Sir, the point is, what has the British Government done up till now? What did the British Government do when this pegging legislation was on the anvil? That is a pertinent question, and the spokesman of the Government of India has to enlighten this House on this point. So far as my information goes, about this particular legislation, the British Government did not do anything to help the cause of the Indians. They did not move their finger to prevent this legislation being passed by the Parliament of the South African Union. I am told, and from the question that was asked in the House of Commons and the answer given by Mr. Amery it is clear, that the British Government did not at all move in the matter. A question was asked by Earl Winterton:—

"Surely the Secretary of State is aware that representations have constantly been made in the past by the Government of India, and I think, by His Majesty's Government, that the Government of the Union of South Africa has taken an action which in the opinion of the Government of India is derogatory and inimical to India's interests?"

And Mr. Amery stated in reply:—

"This has been represented by the Government of India and discussed between the Government of India and the Union of South Africa".

That shows that he has evaded the question as to what the British Government has done. He has evaded a reply to the question about the part played by His Majesty's Government. Moreover, I understand that the statement that there was discussion between the Government of India and the Union Government is incorrect. I invite my Honourable friend Mr. Bozman to state whether the statement is correct or not.

Sir, it is stated that the population of Indians—and the point was referred to by my Honourable friend Mr. Sapru in his speech—is increasing in Durban and therefore the Union Government think that a legislation of the nature which has just been passed is necessary in the interests of the Union. The Honourable Mr. Sapru quoted figures to show that for a population of Indians consisting of about 25,000 they are allowed only 204 acres, while for a population of 70,700 Europeans they are allowed 5,342 acres. That shows that the plea that is put forward every now and then on behalf of the Britishers, for passing such nasty and obnoxious legislation is absolutely unjustifiable.

- The question now arises what measures have to be taken to bring the Union Government and the white settlers to their senses? Various methods have been suggested, and I understand that the Government of India propose to take retaliatory measures under the Reciprocity Bill which they have recently passed in the other House in an amended form. In my own humble opinion, Sir, unless there are economic sanctions behind our action, I do not for a moment think that the white settlers will come round to the view that Indians are to be treated as human beings and not as cattle. I understand we export a lot of jute and textile goods to South Africa, and if my information is correct, my own suggestion is that that ought to be stopped, and stopped immediately. I know our own traders there will have to suffer if this action is taken. But they must put up with all this in view of the self-respect of our nationals there.

Sir, a suggestion has been put forward that the High Commissioner should be recalled. With due respect to my colleagues who have made that suggestion, I do not agree with them. My difficulty is this. If the High Commissioner is recalled, there will be nobody to look after the interests of our nationals there. We would not be able to hear of what is happening there.

Sir, I fully agree with the suggestion put forward by the Honourable Pandit Kunzru and others that the services of the South Africans who are in the civil and defence services of India should be dispensed with. I agree with that suggestion most painfully because we have to take certain retaliatory measures. If our nationals had not been treated in this way I would never have agreed with this suggestion. But some retaliatory measures ought to be taken in the interests of our nationals there, and therefore I urge that this suggestion must be considered by the Government of India seriously. I know that after all the Government of India is only a subordinate branch of His Majesty's Government. I know that the Government of India here is not responsible to us. But I am glad to find that the Government of India and the people of India are one on this point. Therefore, the Government of India must bring pressure on His Majesty's Government to see that legislation of this sort is not enacted in future and the past restrictions and the past legislation are withdrawn so that Indian nationals enjoy their rights and privileges that are enjoyed by the foreign settlers there. The war is going on, and we are told that the war is being fought in the cause of democracy. But where is democracy here in South Africa? Are democratic principles being followed in the treatment that is meted out to our nationals there? Because he happens to be an Indian, he is treated worse than cattle. I fail to understand the view taken by some of our British friends, especially those who have settled in South Africa, that by treating Indians in this way, they will be able to achieve the purpose that is before them, namely, to win the war by the help of all the allied nations. If you treat the sacrifice of India in this way, how do you expect to get substantial help for your war effort? Sir, it is very unfortunate that we have to make remarks of this type. My Honourable friend Mr. Parker wants negotiations. We have had negotiations so many times. The Government of India had been carrying on negotiations for years together—

THE HONOURABLE MR. R. H. PARKER: If I may interrupt the Honourable Member, what I was particularly wanting was a delegation from India to South

[Mr. R. H. Parker.]

Africa to study what the real problem was. Negotiations, I know, have been going on.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Two delegations have already visited South Africa, one in 1926 and another in 1932.

THE HONOURABLE MR. R. H. PARKER: That was 11 years ago.

THE HONOURABLE MR. V. V. KALIKAR: My Honourable friend has already been reminded of two delegations, and after the visits of these two delegations, what do we find to be the result? The result is that the pegging legislation has been passed. If my Honourable friend has still faith in delegations and in round table conferences, he is entitled to hold his view. But I would request him to bring pressure upon his friends there, the Britishers, to realise that restrictions of this sort do not in any way help to keep the common ideal of a Commonwealth of the Empire before the various units. By treatment of this sort the very foundation of the idea is sapped, and if India decides that she would not be a member of the Commonwealth, India should not be blamed on that account. We have had delegations, we have represented at round table conferences, but what is our experience? Enough of these round table conferences and delegations and negotiations. We must now take certain measures which will impress the white settlers that it is not an easy thing to deal with our nationals in the way they are doing. I understand that the Government of India had made certain proposals when this pegging Act was on the anvil. I shall be glad to know what proposals exactly were made by the Government of India at the time when the Act was being discussed in the Select Committee. Sir, I hope my Honourable friend Mr. Bozman will enlighten the House on the points that I have raised and convey the feelings of the House to His Majesty's Government that the Government of India and the people of India are one on this subject and that they do want to take retaliatory measures.

THE HONOURABLE MR. G. S. BOZMAN: Sir, in winding up the discussion on this Motion, I should like to begin with an apology to the House.

4 P. M. It was the intention of the Honourable Dr. Khare, Member in charge of the Department of Indians Overseas, to wind up the discussion here himself. It is unfortunate, as members may have noticed by the bells which have already started ringing, that he is required in another place and has not been able to come here to make the final statement. But he asked me to convey his apologies to Honourable Members for not coming.

I think, Sir, that the result of the debate we have had today can only be described as highly satisfactory and Government certainly feel that the purpose they had in mind has been well served by the free discussion which has taken place. I think it would be as well for me to run over some of the points that were made and particularly those upon which questions were directed to me before discussing really the main suggestions arising from the debate.

The first point which has been made by a number of Honourable Members refers to the attitude adopted by His Majesty's Government while the legislation was under discussion in South Africa. I think Honourable Members will appreciate that when a Secretary of State has given a reply in Parliament it will be very difficult for a Secretary to the Government of India to give a different reply to the same question in India and therefore I shall not be expected to amplify the words used by the Secretary of State in Parliament. I would only remind Honourable Members of one fact. I think we all know that in diplomatic relations there are a number of channels of communication. The success of those channels depends upon the personalities involved in such negotiations and when communications are sent upon a personal basis it is not the practice—and indeed I should like to say in my view it would be very undesirable—to disclose the nature of the communications that pass. I can therefore only leave it to the House to make such deductions as they wish from what I have said and so far as an official statement is concerned I must leave it at the answer given by the Secretary of State.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Which answer of the Secretary of State is the Honourable Member referring to?

THE HONOURABLE MR. G. S. BOZMAN: The one which was quoted by my Honourable friend Mr. Kalikar.

I should like, Sir, also to refer to another small point, a reproof directed to me by my Honourable friend Pandit Kunzru; I think in some respects that reproof was justified and I should like to take it in the spirit in which it was offered. It was to the effect that I did not tell the House the circumstances upon which the Natal Indian Congress or the South African Indians generally claimed that the legislation affecting them in Natal was unnecessary. It is quite true I did not do so. I simply said in the course of my opening speech that I was not proposing to refer to the arguments that had been used in South Africa on the point that the Bill was unnecessary, because they went into great detail and I did not wish to take the time of the House unduly on that point. But I should like to say that the figures quoted here by more than one Honourable Member, and the statements made by representatives of Indian Associations in South Africa refuting the statements of the supporters of the Bill that legislation in Natal was the only way to deal with the position that had arisen, are very well known to me and I feel that they have made out a strong case against the South African Government and against the proposition that this matter could only be dealt with by legislation and not by any other means.

Another small point, Sir,—I had not really intended to refer to it, but I think actually a slight misstatement was made—was with regard to the treatment of the Japanese in South Africa. This was referred to by my Honourable friend Pandit Kunzru and what he said was quite correct. But another Honourable Member expanded it and I should not like the House to be left under any misapprehension. As a result of the Trade Agreement between the Union Government and the Japanese Government in 1931 the entry was allowed into the Union on a temporary permit of Japanese recommended by the Japanese Consul provided they were either tourists, students, visitors for scientific purposes, wholesalers or exporters of South African produce and wives and children of such persons. The temporary permits were for one year and could be renewed on the Japanese Consul's recommendation. They did not carry any right to reside or settle in the Orange Free State and the Japanese Government undertook to remove at their own cost any Japanese who did not comply with the terms of his temporary permit. The only point I wish to make on that is that they were not given, as was suggested, the free right to settle, live, own and acquire land, property, and so on on a permanent basis anywhere in South Africa. But what I said does not take away from the main fact which is that the Japanese, now one of our deadliest enemies, received better treatment at the hands of the Union Government than Indians who had for some generations settled in South Africa and helped to build the prosperity of South Africa by their industry.

One or two members, Sir, suggested that this matter should have been placed before the Standing Emigration Committee of the Legislature and their advice taken at the earliest possible stage. I can only say that it is partly perhaps a matter of opinion, but the Standing Emigration Committee has been invited to give us their advice on Saturday this week and we are hoping that as a result of the full discussion which has taken place in both Houses of the Legislature we shall be able to crystallize the issues and get some very specific recommendation from them. There was, as far as I am aware, no intention at any time to ignore the Standing Emigration Committee and if any members feel that discourtesy has been shown to them, I trust they will accept my apology for that now. I was asked also, Sir, by the Honourable Mr. Kalikar what the proposals were that the Government of India made. I stated those proposals as clearly as I possibly could in my opening speech. I think I need only perhaps refer to the main suggestion which, we felt, should have removed all the difficulties of the Union Government. It was that as a practical compromise, and pending the report of the Commission which the Union Government say they intend to set up in Natal, all intended transfers of property between European and Asiatics either way should be published before being confirmed in the registry of deeds and that machinery should be set up to enable objections to be heard against the proposed transfer and for the recommendations of whatever authority heard those objections to be made public. We did not suggest that that authority should have any statutory power but we argued that if in each case public opinion on either side had the fullest opportunity of expressing itself, in any case where there was a real objection to the acquisition of property by an Asiatic, the European public opinion should be brought to bear so strongly upon the European seller—not upon the Indian purchaser—that the needs of the European population

[Mr. G. S. Bozman.]

would be adequately safeguard. That specific suggestion, as I said this morning, was not found acceptable by the Union Government.

Now, Sir, those I think are the main points upon which I was asked to give information and I think I may very briefly sum up what Honourable Members have said today on this Motion. Firstly, I think it is clear that in theory at any rate retaliation, as such, is something we do not like and that point has been made by more than one speaker today. In other words, our general attitude would be that two wrongs do not make one right. But all speakers have gone on from that position to say that if retaliatory measures are now taken by India no blame for that can attach to India, that no choice has been left by the stubborn attitude adopted by South Africa and that the consequences of any retaliatory measures that may be taken must be attributed not to India but to South Africa. Secondly, it has been stressed that any South Africans in this country, who may be employed in either civil or military appointments, should be dispensed with at the earliest possible moment and, as I understood, that such action as may be possible under the Reciprocity Bill, when it has become an Act, should be directed against South Africa and South Africans. Thirdly, that such economic sanctions as will bring pressure to bear upon South Africa should be taken immediately, and indeed more than one speaker expressed the view that economic sanctions were the only sanctions that would bring pressure to bear upon the Union Government to a sufficient extent to make them change their minds. The majority of members, I think, have expressed their doubts about the wisdom of recalling the High Commissioner from South Africa, leaving ourselves with no representative there.

I thought it desirable, Sir, to state these general conclusions which appear to me to have been reached by speakers today, because I did not wish that there should be any misunderstanding and I should like members to contradict me if I have summarised their feelings wrongly. I wish to avoid, as I said in my opening speech, the appearance of supporting the Union Government in any respect in this matter, and it is for that reason partly that I did not, in my opening speech, discuss the possible methods of bringing pressure to bear upon the Union Government and I would not like now to enter into any argument about the particular measures that have been suggested. I should, however, I think, be failing in my duty if I did not remind Honourable Members of the House that in a case of this kind we must take into account also the possibility of what the other side may do. I am making only a very small point and it is this, that it may not be possible for us, if we impose economic sanctions, at the same time to retain the High Commissioner in South Africa, that is to say the Union Government will have something to say on that matter also. I only wish to make that rather small point because I think that there should be no misunderstanding.

Sir, I should like to thank all members of the House for the high level of the debate today, for their extreme forbearance towards myself and for the great assistance that they have given us in clarifying the issues that must ultimately be faced.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : What about the withdrawal of Indian troops from South Africa ?

THE HONOURABLE MR. G. S. BOZMAN : The point made by the Honourable Member is one which must be put, of course, to His Excellency the Commander-in-Chief. I am not certain that there are any Indian troops in South Africa. It is a matter on which I shall have to obtain information. It was a small point that I had thought of referring to but I omitted it because some members referred to troops in Africa and others to troops in South Africa, and, of course, there is a great difference between the two.

THE HONOURABLE RAI BAHADUR SRI NARAIN MAHTHA : Before he closes the debate may I request the Honourable Mr. Bozman to express his own opinion or the opinion of Government with regard to the various suggestions that were made by the members which he has very correctly summed up ? He has not expressed his opinion as to the feasibility or practicability or benefit of adopting the suggestions that have been made by the Members of this House, nor has he offered any suggestions himself.

THE HONOURABLE MR. G. S. BOZMAN : As I stated in my opening speech Government have taken no decision and will not do so until all the discussions we have planned are completed. We have a further discussion on this matter on Saturday with the Standing Emigration Committee. Further, I said that I did not wish to enter into an argument on these matters for fear of being misunderstood and for fear of appearing as if I was arguing the other side's case, and, therefore, Sir, I am sorry I am not in a position to give my views on the Government of India's views on these suggestions today.

The Council then adjourned till Eleven of the Clock on Thursday, the 5th August, 1943.

COUNCIL OF STATE

Thursday, 5th August, 1943.

The Council met in the Council Chamber of the Council House at Eleven of the Clock, the Honourable the President in the Chair.

QUESTIONS AND ANSWERS.

STATEMENT MADE BY PRESIDENT ROOSEVELT IN HIS LEND-LEASE REPORT.

92. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH : (a) Are Government aware of the following statement made by President Roosevelt in his Lend-Lease report on July 11, 1942 :—

“ This lend-lease principle, as it develops, is removing the possibility that considerations of finance can interfere with the full use of material resources. The transfers made under the Lease-Lend Act are not commercial loans to other nations. They are contributions of material to a common pool with which a common war is being waged. In return, other United Nations are contributing their utmost to the common fight—and are furnishing us with the weapons and supplies which we rather than they can most effectively use ” ?

In view of the above will Government state the salient features of the financial and other implications of the Lease-Lend arrangements between India and the U.S.A. as well as “ the reciprocal aid which India is rendering to the American forces in India ”, referred to by Mr. F. W. Ecker, Chairman, U. S. Lend-Lease Mission in India in course of his Press statement (*vide the Hindustan Times*, dated the 16th April, 1943) ?

(b) Is there any proposal of a direct Lend-Lease agreement between India and U. S. A., and, if so, when is it likely to be realized ?

THE HONOURABLE MR. C. E. JONES : (a) and (b) I would refer the Honourable Member to the relevant portions of the last Budget Speech and to my reply to his question No. 37 of the 22nd February, 1943.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Has any Lend-Lease arrangement been arrived at between India and America or not ?

THE HONOURABLE MR. C. E. JONES : Not so far.

THE HONOURABLE MR. HOSSAIN IMAM : Are any negotiations going on ?

THE HONOURABLE MR. C. E. JONES : Yes, Sir, as I have already stated in my reply to the Honourable Raja Yuveraj Dutta Singh's question No. 37 of the 22nd February, 1943.

MR. WENDELL WILLKIE.

93. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH : Is there any truth in the report that after Mr. Wendell Willkie's return from his trip to the Middle East, Russia, and China he had intended to come to India but the Government had suggested that the moment was not opportune for a visit to this country ?

THE HONOURABLE SIR MAHOMED USMAN : There is no truth in the report.

FEASIBILITY OF POST-WAR INTERNATIONAL MONETARY CO-OPERATION.

94. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH : Will Government state whether India was invited to join the new group of financial experts from various countries, and representatives of the United Nations, including Great Britain, which met, or is to meet in Washington to continue the monetary talks on post-war currency management ? If so, who represents India ; and what steps have Government taken, or propose to take to ensure the financial and currency stability of India against unfair and adverse decisions ?

THE HONOURABLE MR. C. E. JONES : India has been invited to send technical experts to discuss informally and without commitments with the technical experts of the Government of the United States of America the feasibility of post-war international monetary co-operation.

This Government are at present awaiting public reaction and comment on the two plans which were published in India on the 5th of July last and given the widest circulation. When this is forthcoming and the Reserve Bank's views have been received the Government will decide what further steps should be taken.

So far no arrangements have been made for international discussion of these and other plans since that stage has not yet been reached.

THE HONOURABLE MR. HOSSAIN IMAM : Is it proposed to send Sir Theodore Gregory to represent India at this conference ?

THE HONOURABLE MR. C. E. JONES : Which conference ?

THE HONOURABLE MR. HOSSAIN IMAM : The conference about Bancom and Unitas.

THE HONOURABLE MR. C. E. JONES : We do not know yet whether there is going to be a conference. That stage has not yet been reached. It is premature for the Government of India to decide who is to be India's representative in the event of such a conference being held.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Are the technical experts required to be officials, or may non-officials be included amongst them ?

THE HONOURABLE MR. C. E. JONES : All I can say is that the United States Government have asked us to send technical experts. They did not specify whether they wished them to be officials or non-officials.

THE HONOURABLE MR. P. N. SAPRU : What is the intention of Government ? Do they propose to send official technical experts, or non-official technical experts, or both ?

THE HONOURABLE MR. C. E. JONES : The Government have no intentions at present. We are simply awaiting public reactions and comment on these proposals. When we have received all the views for which we have called, and any others that may be submitted—and which we shall be glad to receive—we will then decide our future course of action.

EXECUTION IN BIHAR OF THREE PERSONS UNDER THE SPECIAL CRIMINAL COURTS ORDINANCE.

95. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH : Do Government propose to enquire into the report that three persons have been executed in the Province of Bihar under the Special Courts Ordinance before the stay order of the Governor General was received ? What are the facts and circumstances of these cases ?

THE HONOURABLE MR. E. CONRAN-SMITH : Sitaram Gope, Mahabir Dusadh and Moti Barai, who are doubtless the three persons referred to by the Honourable Member, were convicted and sentenced to death under Ordinance II of 1942 by the Special Judge, Bhagalpur, on 17th November, 1942. These sentences were confirmed by the Reviewing Judge on 26th January, 1943, and mercy petitions were rejected by the Provincial Government and by the Governor General on 9th and 17th February, 1943, respectively. All the three persons were executed on 24th February, 1943. This was of course long before the Calcutta High Court declared Ordinance II of 1942 *ultra vires*.

RE-EMPLOYMENT OF SIR CYRIL FOX.

96. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH : Is it a fact that Sir Cyril Fox, recently retired Director General of the Geological Survey of India has been re-employed to undertake a revision of the mineral section of Watt's Dictionary of Commercial Terms ? If so, what were his pay and emoluments at the time of his retirement, and on what pay and emoluments has he now been appointed ?

THE HONOURABLE MR. H. TUFNELL-BARRETT : No. A proposal to re-employ Sir Cyril Fox as a Liaison Officer between Supply and Labour Departments and also for the preparation of a Dictionary of Mineral Deposits, is now under the consideration of Government.

His emoluments at the time of his retirement were Rs. 3,000 per mensem. The terms on which he will be re-employed are still under consideration.

ENEMY FIFTH COLUMN ACTIVITIES AND THEIR CONNECTION WITH SUBVERSIVE ELEMENTS.

97. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH : Will Government make a statement imparting such information as they can consistent with public interest, regarding the "enemy fifth column activities, and their connection with subversive elements" in this country, which was reported to have been discussed at the meeting of the National Defence Council held in New Delhi about the 2nd July, 1943 ?

THE HONOURABLE MR. E. CONRAN-SMITH : As the Honourable Member is doubtless aware the proceedings of the National Defence Council are confidential

while those of this House are not. It would not be possible to make a public statement on the subject referred to by the Honourable Member without giving a great deal of information the disclosure of which would not be in the public interest.

THE HONOURABLE RAI BAHADUR SRI NARAIN MAHTHA : The Honourable Member stated that the proceedings of this House are not confidential, can I take it from him that no censorship applies to the publication of the entire proceedings of this House in the Press.

THE HONOURABLE THE PRESIDENT : How does that question arise ?

THE HONOURABLE RAI BAHADUR SRI NARAIN MAHTHA : It arises out of the reply.

THE HONOURABLE THE PRESIDENT : I do not think it arises out of the reply. The Honourable Member can give notice of that question separately.

THE HONOURABLE RAI BAHADUR SRI NARAIN MAHTHA : The proceedings of the National Defence Council are not published in the Press. The Council galleries are open to public. - Are proceedings of the Council of State free from the operation of censorship ? Is this the interpretation of the reply given ?

THE HONOURABLE THE PRESIDENT : How could a reply be given to this ?

THE HONOURABLE MR. E. CONRAN-SMITH : I am not aware of any such censorship.

That is all I can say.

PROGRESS OF POST-WAR RECONSTRUCTION PLANNING.

98. **THE HONOURABLE RAJA YUVERAJ DUTTA SINGH :** Are Government in a position to take the public into confidence by making a statement on the "progress of the post-war reconstruction planning" ? What is their policy and plan in this connection ?

THE HONOURABLE SIR J. P. SRIVASTAVA : Sir, I invite the Honourable Member's attention to the statement laid on the Table of the House on the 4th August in reply to question No. 74 by the Honourable Pandit Hirday Nath Kunzru.

INDIAN TRADERS IN SIERRA LEONE.

99. **THE HONOURABLE RAJA YUVERAJ DUTTA SINGH :** What restrictions have been placed on Indian traders doing business in Sierra Leone in West Africa ; and have Government received any representation on the subject from the Southern India Chamber of Commerce ? What steps, if any, have been taken by Government ?

THE HONOURABLE MR. G. S. BOZMAN : The Government of India have received a representation on this subject from the Southern India Chamber of Commerce. A report on the facts of the case has been called for from the authorities concerned.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : May I ask when the Government of India wrote to the authorities concerned ?

THE HONOURABLE MR. G. S. BOZMAN : It was very shortly after receiving the Southern India Chamber of Commerce's representation. I think that the date was 17th of July.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : When do they expect to get a reply ?

THE HONOURABLE MR. G. S. BOZMAN : When the authorities concerned send one !

LACK OF ACCOMMODATION IN FIRST AND SECOND CLASS COMPARTMENTS ON TRAINS RUNNING BETWEEN BAREILLY AND LUCKNOW JUNCTIONS.

100. **THE HONOURABLE RAJA YUVERAJ DUTTA SINGH :** (a) Are Government aware that on the Lucknow Junction—Bareilly Junction section of the Oudh and Tirhut Railway there are invariably only one first class, and only one second class compartments provided on the trains, the former being almost always occupied by military officers and pass-holders, and the latter by railway servant pass-holders, with the result that *bona fide* passengers of the higher classes who actually pay for their tickets are subjected to immense trouble and inconvenience ?

Do Government propose to take steps to provide an additional first, and an additional second class compartments on the trains to relieve the congestion, and to secure a reasonable standard of comfort to the passengers concerned ?

(b) Is there not a rule of the Railway that *bona fide* passengers who pay for their tickets shall have preference over pass-holders, who are required, if necessary, to

vacate their seats in favour of such passengers ? If so, is this rule practically enforced on this section ?

THE HONOURABLE SIR SATYENDRA NATH ROY : (a) The position is not quite as stated. There are two trains each way between Lucknow Junction and Bareilly Junction. On one of them (19-Up and 20-Down) one compartment each of the 1st and 2nd classes is provided and on the other (7-Up and 8-Down) two compartments of each class. In addition a bogie composite having two compartments of each class is attached to 7-Up and 8-Down between Kathgodam and Lucknow Junction.

Additional coaches are attached when necessary and if the load of the train permits.

(b) The rule on the Railway is that holders of privilege passes must give place at the starting station (but not *en route*) to the public holding tickets of the same class when there is no room on the train. Every attempt is made to enforce this rule.

BUILDING OF RESIDENTIAL QUARTERS IN GHAZIABAD.

101. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH : Is it a fact that Government propose to spend about one crore of rupees for building official residential quarters near Ghaziabad ? If so, will Government make a detailed statement of the full scheme, and also indicate why these quarters, if at all necessary, cannot be built by expanding New Delhi or old Delhi city, and thereby save immense transport expenses ?

THE HONOURABLE MR. H. TUFNELL-BARRETT : The matter is still under consideration, and no final decision has yet been reached.

POST-WAR DEVELOPMENT OF CIVIL AVIATION.

102. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH : Have Government received any invitation to participate in the Empire Aviation Conference, which is expected, among other things, to evolve and execute a national policy of air development ? If so, who is to represent India ; and do Government propose to associate a competent non-official Indian agency to collaborate with this Conference, in order that in the post-war planning of international or Empire air services, the indispensable condition of Indian ownership and control may be fully maintained and enforced ?

THE HONOURABLE SIR MAHOMED USMAN : Certain exchanges of views of a purely exploratory and provisional nature have taken place between the Government of India and His Majesty's Government on the subject of post-war development of civil aviation. The question of convening a Conference is still under consideration and no decision has been arrived at as yet. The latter parts of the question do not arise.

INSURANCE OF PROPERTY AGAINST DAMAGE CAUSED BY ENEMY ACTION.

103. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH : Will Government state their decisions on the recommendations of the Committee for insurance of property against damage caused by enemy action ?

THE HONOURABLE MR. C. M. G. OGILVIE : It is presumed that the Honourable Member refers to the Bengal War Risks (Immovable Property) Insurance Enquiry Committee. If so, the matter is still under consideration.

CONFINEMENT OF PRISONERS IN THE RED FORT.

104. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH : (a) Will Government state whether certain prisoners are confined in the under-ground prison of the Red Fort of Delhi ? If so, who are they, and what are their offences ? And how long have they been so confined ?

(b) Why are they not confined in regular jails ?

(c) Is it a fact that this special under-ground prison in the Red Fort of Delhi "consists of about four under-ground cells built on the bed of a dried up well (known as *baoli*) which is reached by a downward series of about 70 steps below surface level. Here the sun's rays don't penetrate, and the damp and impure air make the place uninhabitable. The cells are so dark—since the only open side is the one which faces the steps—that it is hardly possible to see anything even in daytime" (*vide* the leading article in the *Hindustan Times*, dated the 11th July, 1943) ?

THE HONOURABLE MR. E. CONRAN-SMITH : (a) These cells have not been in recent use but I understand that two persons have been confined therein in the last two or three days. One is the man who was arrested on the 2nd August in Parliament Street in possession of two revolvers and who fired at a police constable. The

other is a security prisoner arrested on the morning of the 4th August at the instance of another Provincial Government.

(b) They are temporarily detained in these cells for interrogation. The cells in the regular jails are at the moment full.

(c) The description referred to is a gross exaggeration. The cells were constructed in 1941. The floor of the cells is about 16 ft. below ground level, but in front of the cells is a space open to the sky, at least 23 feet wide. Since the cells do not receive the direct rays of the sun, they are somewhat dark, but they are of good size and sanitary, and are quite suitable for the detention for short periods of persons who are under interrogation ; and it is for that purpose alone that they are used.

• THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : How long is it intended to keep these people there ?

THE HONOURABLE MR. E. CONRAN-SMITH : I have said, Sir, that they are only kept for a short period in these cells while interrogation is going on. The Chief Commissioner himself has placed a limit on the time for which people may be kept there.

THE HONOURABLE [MR. P. N. SAPRU : What is the necessity for detaining them in these cells while interrogations are going on ? Why can't they be detained in ordinary cells while interrogations are going on ? Is it intended to use third degree methods in these cells ?

• THE HONOURABLE MR. E. CONRAN-SMITH : The answer to the last question is in the negative.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : What is the limit placed by the Chief Commissioner on the time during which prisoners to be interrogated can be kept in these cells ?

THE HONOURABLE MR. E. CONRAN-SMITH : They cannot be kept for more than one month without the Chief Commissioner's special permission and in no case can they be kept for more than two months.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Cannot accommodation be found for these prisoners elsewhere and under healthier conditions ?

THE HONOURABLE MR. E. CONRAN-SMITH : I do not admit, Sir, that the conditions in these cells are unhealthy.

THE HONOURABLE RAI BAHADUR SRI NARAIN MAHTHA : What is the number of prisoners there ?

THE HONOURABLE MR. E. CONRAN-SMITH : I have already informed the Honourable Member that at present there are two. Previous to that there was nobody in these cells.

THE HONOURABLE MR. HOSSAIN IMAM : How long have they been in the cell, Sir ?

THE HONOURABLE MR. E. CONRAN-SMITH : I have already informed the Honourable Member of the dates. I said that the first person was confined on the 2nd August and the other person on the 4th August.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Is it generally the policy of Government to keep prisoners whom they want to interrogate in these cells.

THE HONOURABLE MR. E. CONRAN-SMITH : I have already answered that question.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : I have not been able to hear what the Honourable Member said. I doubt whether this question has been put by anybody.

THE HONOURABLE MR. E. CONRAN-SMITH : I have answered it by implication.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Will the Honourable Member tell me what he said ? I have not in the slightest degree understood what the Government's policy is.

THE HONOURABLE MR. E. CONRAN-SMITH : I have informed the Honourable Member that these cells are used for interrogation purposes and that persons confined therein for that purpose are kept there for short periods.

THE HONOURABLE MR. P. N. SAPRU : How and why are they particularly useful for interrogation purposes ?

THE HONOURABLE MR. E. CONRAN-SMITH: I cannot answer that question except to say that they are used for that purpose.

THE HONOURABLE MR. P. N. SAPRU: It is a very simple question. You select a particular type of cell for a particular purpose. What I would like to know is how and why are they useful for the particular purpose, namely, the purpose of interrogating under-trial or security prisoners?

THE HONOURABLE MR. E. CONRAN-SMITH: Because they are reasonably suitable for the purpose of interrogation.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Is no accommodation available for such prisoners elsewhere.

THE HONOURABLE MR. E. CONRAN-SMITH: I have already said that other cells are at present full.

THE HONOURABLE MR. HOSSAIN IMAM: Is it used only for political prisoners or for all prisoners generally?

THE HONOURABLE MR. E. CONRAN-SMITH: I do not think the Honourable Member will call a man who carried two revolvers and fired at a police constable a political prisoner. I would call him a criminal.

THE HONOURABLE MR. P. N. SAPRU: Has he been tried and found guilty? (*Laughter*). It is not right to call an under-trial prisoner a criminal.

RESOLUTION *RE* RECONSTITUTION OF THE HINDU LAW COMMITTEE.

THE HONOURABLE RAI BAHADUR SRI NARAIN MAHTHA (Bihar: Non-Muhammadan): Sir, before proceeding to talk on my Resolution*—

THE HONOURABLE THE PRESIDENT: You have already read the Resolution on the last occasion. You can proceed with your argument.

THE HONOURABLE RAI BAHADUR SRI NARAIN MAHTHA: Thank you, Sir. I feel thankful to you also for having allowed me the other day to move my Resolution in a slightly amended form. And I feel that in commending my Resolution to this House for acceptance, perhaps I need hardly do anything at all except to repeat and draw the attention of the House to every single word which was spoken in the Legislative Assembly on the 24th March, 1943, by the then Law Member when he moved that the Bill to amend and codify the Hindu Law relating to intestate succession be referred to a Joint Committee of both Houses of the Central Legislature. His speech on that occasion was a model of what a true statesman and a real lover of the community would say. It was full of earnestness, but also full of caution. He paid a very high compliment to the monumental work done by the Hindu Law Committee and expressed the opinion that the personnel of the Committee was of a level and order, about the highest that could be secured and that they had done their work with commendable ability, consideration and respect for all shades of Hindu opinion. In concluding his remarks he said:—

"It is hardly a reform worth the name that has little storm to steer through, just as it is an ill-conceived reform that has little respect for the old foundations."

And then he followed up these remarks in his most inimitable style by saying these words. He said:—

"Humanity is amove; that is no figure of speech. Its footfall is echoing all over: let it by no means be said of this House that it heeded not the sound of advancing nations and prevented India from going out on the high road. Let it not be complained by posterity that this House held back the hands of the clock at a most eventful hour and failed to lead India to join the great march of equity, equality and emancipation."

These were the words, Sir, used by the Government member when he introduced the Bill in the Assembly and how strangely different is the position now.

Next, Sir, I would like to refer to the Preamble of the Bill itself that he introduced on that occasion. The Preamble reads as follows:—

"Whereas it is expedient to amend and codify, in successive stages, the whole of the Hindu Law now in force in British India;

And whereas it is expedient first to amend and codify the general law of intestate succession;

It is hereby enacted as follows:—"

And then proceeds the Bill.

*"This Council recommends to the Governor General in Council to reconstitute the committee commonly known as the Hindu Law Committee, and to charge this committee with the work of suitably amending and codifying the Hindu Law in all its branches so as to enable Government to place before the Central Legislature necessary legislative measures for due enactment as early as possible."

Now, Sir, this Preamble makes the clearest admission by Government that in their considered opinion after full and long deliberation over a number of years during which individual members of the Legislative Assembly kept on piloting private Bills seeking to amend one part or another of the Hindu Law, they had come to the fixed decision that "it was expedient to amend and codify the whole of Hindu Law". This Bill was a Government measure and the responsibility for every word in the Bill is that of the Government and I think it is hardly possible for Government now to eat up the admission disclosed by the Preamble to which I have referred. Then, Sir, there was another significant feature of the Bill that came up before us during the last session. That was this. Section 1(3) of the Bill said that the Bill will come into force on the first day of January, 1946. One might well ask why it was to be so. The answer is to be found in one of the important explanations given in the Explanatory note attached to the Bill for this provision and that was that this had been done — I am now quoting the words—"in order to give the Central Legislature sufficient time to codify other branches of Hindu law so that there may be an entire Hindu Code in operation from 1st of January, 1946". These being the facts, it should be quite natural for anyone to ask how are (1) the promises made in the speech of the Law Member, (2) the admission of necessity and the enunciation of the plan of work declared in the Preamble of the Bill, and (3) the explanation given in the Explanatory note about the provision contained in section 1 (3) of the Bill to be satisfied if the Committee or a Committee which was entrusted with the work of examining and codifying the contemplated Hindu Code was not to function?

THE HONOURABLE THE PRESIDENT: All the same you will admit that the task is a colossal and impossible one.

THE HONOURABLE RAI BAHADUR SRI NARAIN MAHTHA: It is not an impossible task, Sir. I will deal with it. The government and the committee both thought it was possible and worth undertaking.

THE HONOURABLE THE PRESIDENT: Many Legislatures to a certain extent have attempted but failed.

THE HONOURABLE MR. P. N. SAPRU: Sir Hari Singh Gour has codified Hindu Law.

THE HONOURABLE RAI BAHADUR SRI NARAIN MAHTHA: There are many others who can do so. However, what I want to ask is how and why has the enthusiasm of Government evaporated? Why have the Government given up their initiative in a matter which they considered so urgent and beneficial only a few months ago? Why was that committee not asked to carry on the work or if they wanted another committee appointed? Why have the sounds of the foot-fall of marching humanity ceased to fall on the ears of Government? What is that which prevents them, now that even the war has taken a favourable turn, from going along the high road with other advancing nations—things to which the then Law Member referred with such eloquence only a few months ago? Is it the addition of more reactionary elements to the Executive Council? If not, what is it that, to quote the words of the then Law Member himself, now makes them hold "back the hands of the clock at a most eventful hour" and "fail to lead India to join the great march of equity, equality and emancipation"—words which, I agree with him, did not constitute merely a figure of speech when he uttered them. I shall not, however, labour this point any further.

I shall now say a few words about Hindu Law itself. I need not dilate on the urgency or expediency of proceeding with the work of amending and codifying the Hindu Law as it is administered today. The urgency and expediency of the matter were accepted by Government on the last occasion. But, I would venture to say a word or two to show, if I can, that it does no violence to the concepts of Dharma of the orthodox Hindu if we make changes in the mundane law of Hindu society. The Hindu society has even in the purely religious field always believed in a progressive revelation and realization; and has consequently been tolerant of gravely divergent views. The Hindu society has from time to time adjusted itself to changing needs. Whether for an individual or for any society there are only two signs of life, *viz.*, assimilation and elimination, and a society that cannot adjust itself to the changing requirement of the times shall meet its sure doom. Our ancient law-givers

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has a very expansive mind. I shall here give two quotations from two of the most important law-givers. Manu says :—

परित्यजेदर्थं कामौ यो स्यातां धर्मं वजिती ।

धर्ममप्य सुखोदकं लोकविद्विष्टमेव च ॥

Dr. Altekar, who concludes his book on *The position of women in Hindu civilisation* with this quotation draws the following meaning from it. He says :—

“ Even an orthodox Smriti writers like Manu have here recognised that a time may come when their rules would become obsolete and has, therefore, declared that if any rules framed by them are found to be not conducive to the welfare of society, or against the spirit of the age they should be unhesitatingly abrogated or modified ” (page 447, Altekar).

Sir, as a matter of fact we find that our lawgivers have themselves done so in many cases and done so many a time. The Vedas for instance had permitted Niyoga marriages. The Smritis nevertheless openly carried on a righteous and successful crusade against the custom. Marriage by capture and purchase was approved by the earlier age ; our Dharmashastra writers vehemently condemned both the practices. Dr. A. S. Altekar, the head of the Department of Ancient History and Hindu Culture at the Hindu University of Benares, says :—

“ The main reason for this pro-reform attitude of our Dharmashastra writers in these matters was that they had realised that circumstances had changed and therefore customs and institutions must follow suit ”.

I say, therefore, to my colleagues here that it is time to consider whether we ourselves must or must not in our own turn recognise that the times have changed, old ideas of extreme asceticism have ceased to appeal, the age of authority has gone and has been succeeded by an era of rationalism and equality. We must, I venture respectfully, to argue, think of readjusting our society, our social order, our social institutions, not to impair them but to rejuvenate and strengthen and revitalize them. If we do so, our capacity, efficiency and happiness will improve. Yajnavalkya, the great law giver, said :—

कायेन मनसा वाचा यत्नाद् धर्मं समायरेत् ।

अस्वर्ग्यं लोकविद्विष्टं धर्म्यम् अप्याचरेन् नेतु ॥

The translation of this sloka as given by Golap Chandra Sarkar Shastri, an undisputed authority on Hindu law, whose book on Hindu law is of a type which is written perhaps once in a century, is this :—

“ Practice with care what is lawful, by body, mind and speech ; but practise not that which is abhorred by the world, even though it is ordained in the Sacred Books ; for it secures not spiritual bliss.”

Sir, I have taken care not to quote any one except Manu and Yajnavalkya on whose treatise the Hindu Law as it operates in the greater part of India is supposed to be based.

From this picture of our glorious and elastic past let us now turn and for a while to view the position as it obtains today. Since the advent of the British in India and the establishment of British authority, the Hindu Law has been amended on innumerable occasions dating from 1843 up to the present time. I have here with me a whole list and catalogue of these amendments, but I have no intention to wear the House by reminding them of the changes made from time to time during the course of the last 85 years. I hope there will be no member in this House who would contest that the changes have been frequent and vital and that the Hindu community has accepted with easy equanimity the reforms or changes brought about by these amendments. The orthodox Hindu might well console himself by looking lightly on these facts and also the present involuntarily changing state of Hindu society which in its composition and outlook is very materially altered on account of social and intellectual influences that act and react through our impact with the world around us. It is necessary to remind the House also of the fact that the whole of our adjective law as laid down by Manu and Yajnavalkya has been replaced by various legislative enactments. The most important source now left of the present Hindu Law as administered in India is that case-law consisting of the decisions of the Judicial Committee of His Majesty's Privy Council and of the highest Courts of Justice in this country.

THE HONOURABLE THE PRESIDENT : Does not the case-law make it difficult to codify ?

THE HONOURABLE RAI BAHADUR SRI NARAIN MAHTHA: I am thankful to you for the question, Sir. Their complicatedness and diversity all the more makes it necessary to examine, amend, and codify them. Your question itself indicates that the decisions are so varied in their nature that it is necessary to examine them and to bring the Legislature into the field to come to a proper decision as to where we stand. I shall deal with this question again at a somewhat later stage.

I was saying, Sir, that the chief source of our Hindu Law as actually administered is the case-law consisting of the decisions of the Privy Council and the High Courts in India. These decisions and interpretations have practically superseded the Nibandhas or commentaries which is themselves were not very precise enough. These decisions immediately affect the parties to the suits only but as precedents they are also binding on the entire Hindu community. In applying the law to particular cases the Judges expressly or by necessary implication have to enunciate what the law is and that exposition remains binding on the society. The Hindu Law as contained in the Commentaries is silent on many points of detail and the Judges have had to supply the deficiency in most cases. But the Judges too have had their own difficulties and it is not fair for a legislature to let the Judges continue to labour under a difficulty to which they have on occasions given open expression.

The following observation, Sir, was made by the Privy Council in one of its judgments in connection with a case in which some points of Hindu law were involved. I am referring to 4 M. A. I. I. :—

"At the same time it is quite impossible for us to feel any confidence in our own opinion upon a subject like this when that opinion is founded upon authorities to which we have access only through translations and when the doctrines themselves, and the reasons by which they supported or impugned are drawn from religious traditions, ancient usages and more modern habits of the Hindus with which we cannot be familiar".

Sir, is this a position, I ask my friends, with which a legislature can remain content. I maintain therefore that the points I have brought out are questions of vital importance and should be dealt with in the light I have offered them. I claim, Sir, that I have dealt with the subject-matter of my Resolution purely from an objective point of view and have, I hope, successfully avoided landing myself into controversies. We are proud of our past, we regret the present state of Hindu society. We recognise that the structure of the society has changed economically and psychologically. There are cases of great hardship in Hindu society, cases which cry for immediate relief, and it is my firm belief that no one, however conservative in instincts, can fail to be moved by a real human problem. But the examination, amendment and codification of Hindu law must and has to be a complicated and long process, as you yourself, Sir, were pleased to remark just now; it is a work which has to be done patiently, carefully, and with due reverence and belief in the wisdom of our ancient law-givers, coupled with a broad outlook and readiness for adaptation and development without which no society can stand the strain and impact of advancing times or keep out their evil influences, if any, from undermining the society surreptitiously. No thoughtful reformer would wish to lay violent hands on the ancient structure of a society, and if he will advocate any changes at all, they will surely be for the purpose of the preservation of the essential and vital characteristics of that society to the rejection of the dirt and filth that have accumulated through neglect, misuse, or disuse, of its wholesome laws that strengthen and vitalise it.

Lastly, Sir, one of the reasons why Government constituted the Hindu Law Committee was that they were alive to the dangers of piecemeal legislation. Have they changed their opinion since. Anyone who would consider one branch of personal law would certainly wish to have the whole picture of the other inter-related branches of law before him. In considering the question, say, of adoption, one would, for instance, naturally like to know what are the provisions for inheritance, marriage, partition, etc., going to be. Similarly, there are so many important portions of Hindu Law, for instance, Holy Orders and Endowments, Sevayets' rights, Ex-communication, Alienation, and Wills, which call for immediate and thorough examination, both with regard to their faithful reflection of the ancient texts and their suitability to present conditions.

I therefore humbly urge that the good work which was taken up by Government should be pursued and some competent committee, — and I wish to emphasise that the committee they had appointed was a very competent one—asked to take up the

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work and conduct it in an exhaustive and thorough manner. I am, as you and the House must have noticed, not advocating today any particular kind of change in the law. All that I want to urge is that the need for an examination, amendment where necessary, and codification of Hindu law is urgent and acknowledged. The work is a long and arduous one, and it should be resumed with the same earnestness and sincerity with which it was promised by Government. The work done so far, as was stated by Government during the last session, was very well received by Hindu India, and even if there was a controversy regarding certain provisions of the Bill—as there always will be regarding any Bill dealing with vital social matters—there was, let me assert, no difference of opinion in the country so far as the desirability and urgent necessity of examining, suitably amending, and codifying the entire Hindu law is concerned. On this point Hindu India was unanimous, and Government had the fullest possible backing. My Resolution merely reminds Government of that position, and I would urge them to accept my Resolution.

THE HONOURABLE THE PRESIDENT: May I inquire how many members of the Rau Committee are alive?

THE HONOURABLE MR. P. N. SAPRU: All of them are alive, Sir. Mr. Justice Narasing Rau is alive; Mr. Dwarkanath Mitter is alive; Mr. Gharpure is alive; and Mr. V. V. Joshi is very much alive, because he was assisting us in the Select Committee.

Sir, I would like to give my very strong support to the Resolution which has been moved by my Honourable friend Rai Bahadur Sri Narain Mahtha. The Resolution asks that the Hindu Law Committee, popularly known as the Rau Committee, should be reconstituted for amending and codifying the Hindu Law. Perhaps you will allow me to pay a tribute to the work of the Rau Committee. I think that that Committee was an excellent one in many ways. Its Chairman is not only a very distinguished Judge of the premier High Court in India: he is also a distinguished jurist, because he has the mind of a jurist. Another of its members, Principal Gharpure, is one of the profoundest students of Vedic literature. He is one of the greatest living authorities on Vedic literature. He is an orthodox man; he observes all the fasts which a Hindu is supposed to observe. The third member, Dr. Dwarkanath Mitter, was a very distinguished Judge of the Calcutta High Court, and he has written a book on the position of Hindu women. He is a leading lawyer of Patna now. The fourth member was a very well-known social reformer who has done much to promote useful social legislation in the State of Baroda: I mean Mr. V. V. Joshi.

Sir, the Resolution does not commit us entirely to this Committee. We say it may be reconstituted. You may add to the strength of the Committee; we have no objection. But what we want to emphasise is that the Rau Committee was an excellent Committee and it did very useful work. In dealing with the question of inheritance, in dealing with the question of marriage, they came to the conclusion that Hindu Law was one and indivisible, and therefore they suggested that it should be codified and amended in successive stages.

Now, I should like just to say one or two words about codification. Codification undoubtedly is a very difficult affair. But it is a task which has been attempted in other countries. Take the law of real property in England. It is a most complicated branch of law. As we know, it used to be the most complicated of all laws. And yet we had the Real Property Act of Lord Birkenhead. The British Parliament did codify the law of real property. The advantage of codification from the point of view of the litigant, from the point of view of the Judge, from the point of view of the lawyer, is that it makes the understanding of the law easier. I will not say that if you have codification you avoid different interpretations. A statute may be interpreted differently by different courts. But even so that task is made easier if you have codification.

But, Sir, it is not to this aspect of codification that I would draw prominent attention. I would draw prominent attention to the second part of the Resolution, which asks for the amendment of Hindu Law. Now, Sir, as a Hindu I am proud of my heritage; and I think I am right in saying that it is the proud boast of Hinduism that it represents a progressive creed: it advances, it changes, with time.

Truth, according to the Hindu, has many aspects; and the whole truth was not revealed at any particular moment. To the mighty stream of Hindu civilization many sages and many prophets have contributed, and that process is not complete yet.

THE HONOURABLE THE PRESIDENT : It had not changed before the advent of the British ?

THE HONOURABLE MR. P. N. SAPRU : It did very much, Sir, before the advent of the British. You would not have had the Dayabhaga and the Mayukha if the interpretations were the same.

THE HONOURABLE THE PRESIDENT : Those are interpretations.

• THE HONOURABLE MR. P. N. SAPRU : The Dayabhaga concept of family is fundamentally different from the Mayukha concept of family. The Mayukha view of what a daughter's position should be is fundamentally different from that of the Mitakshara because under the Mayukha the daughter gets an absolute estate.

THE HONOURABLE THE PRESIDENT : Is not the reason which you now allege your difficulty in the matter of codification ?

THE HONOURABLE MR. P. N. SAPRU : In the old times the work of interpretation and the work of amendment used to be done by commentators who were recognised as authorities by people of their community. When we had the establishment of the British Raj in this country that process was arrested because there was the natural impulse for courts of law to give an orthodox interpretation. I am not blaming Imperialism on this account. The natural inclination of the judges was to give a rigid interpretation to Hindu Shastric texts and that is how the process of Hindu Law development came to be arrested. I am one of those who think that vast changes in the social structure of Hindu society are necessary. If I had my way, Sir, I would make radical changes, not only in the Hindu Law of inheritance, which I consider extremely unjust to our women, but I would make radical and fundamental changes in the Hindu Law of marriage. I would give the right of divorce to women. I would make marriage a monogamous institution. I would make changes in the law of maintenance, in the law of partition and in the law of family, because my concept of a family—I do not mind saying it—is husband, wife, children,—children until they reach a certain age. That is to say, when a boy or girl becomes competent to earn his or her own living, he or she must look out for himself or herself. That is my idea. The individual, in my opinion, is the basis of the family. I do not for a moment say that I wish to impose these ideas upon Hindu society. We have to carry Hindu opinion with us, because we believe in the democratic process. What I am saying is not against the spirit of our religion or the spirit of the Smritis if you believe them to be revealed or against the spirit of the Srutis. The Hindu law-givers have given us the amplest authority to change our laws and we want to revitalise Hindu society. We want to modernise Hindu society; we want to make it a living force and we want to base it upon principles of equality, of justice, of those democratic conceptions in which we sincerely believe. It has been my view that life cannot be compartmentalised. I am a radical in politics and we cannot be radicals in politics and old-fashioned people and conservatives or reactionaries in social and economic matters.

THE HONOURABLE THE PRESIDENT : You are all radical in matters of religion.

THE HONOURABLE MR. P. N. SAPRU : Some of us are very orthodox, very conservative, while some are reactionary in matters of religion and caste. Personally I cannot divorce religion from politics. If we are protestants in religion, we must be protestants in politics, we must be protestants in economic matters. That is how I look at life. I am a radical in economics, I am a radical in politics, I am a radical in social matters, and I do not think that we can divide life into compartments, that is a phenomenon which is witnessed only in this country. But I know, Sir, that the fundamental changes for which we stand will not come about without much education of public opinion and without a deeper understanding of the spirit which underlies our Smritis and our sacred texts. When I read some of our ancient writers, I feel amazed at the intellect they have displayed. They used to be so absorbed in ethical problems. They had such a clear perspective in regard to fundamental

[Mr. P. N. Saprū.]

issues. If you read Manu and Yagnyavalka and others, you will find that they do not say the same thing. If you read the different Śrutis and Smṛitis carefully, you will find that all of them did not say the same thing. If all of them had said the same thing, you would not have had the six systems of philosophy among the Hindus. What has happened really is that in the course of centuries we have accepted for ourselves a social system which has been the ruin of our country. Take, for example, the institution of the joint family or the institution of caste which assigns to the untouchables a most deplorably low position. It is revolting to the modern conscience that there should be such a low position assigned to them. We ought to review the entire body of Hindu Law and bring it into conformity with modern concepts of justice, equity and equality in order that Hindu society might become more vigorous, and we want Hindu society to become more vigorous so that it might be able to make its full contribution to an international order in which we as democrats believe.

THE HONOURABLE THE PRESIDENT : Your time is up.

THE HONOURABLE MR. P. N. SAPRŪ : One thing that I would like to stress is that Hindu Law is inter-connected. We cannot, for example, change the law of inheritance without considering its effects on the law of maintenance, on the law of partition, on the law of adoption, and so on. Therefore, you will remember, Sir, that the preamble to the Bill which was introduced by the Honourable Sir Sultān Ahmad said that it was intended to codify and amend the Hindu Law in successive stages. Having undertaken that step, it is necessary for us to complete the work.

There is just one word more which I would like to say before I wind up and I won't take more than two minutes in saying this. I do not know who will consider the report of this Committee which we hope Government will appoint. I know, Sir, that the Hindu members—I am not thinking of the Sikh member or the non-caste Hindu members—I know that the Hindu members represent a most reactionary element in the Executive Council not only in regard to politics, but also in regard to social matters and I am rather apprehensive of the line they may take in dealing with the recommendations of a Committee which may make far-reaching suggestions for the improvement of Hindu Law.

THE HONOURABLE THE PRESIDENT : It is too premature to discuss it.

12 NOON. THE HONOURABLE MR. P. N. SAPRŪ : It is too premature to pass a final judgment on their social outlook. We know what their political outlook is and we need not talk about it. But so far as social matters are concerned, I cannot look upon them as good representatives of progressive Hindu thought. And I say this with confidence that the modern Hindu mind is for progress and the modern Hindu mind will carry the masses with it. Therefore with full confidence in the capacity of my Hindu countrymen to rise equal to the task of reforming radically the basic structure of their society I give my full and whole-hearted support to this Resolution.

THE HONOURABLE SARDAR BAHADUR SOBHA SINGH (Nominated Non-official) : Sir, I have great pleasure in supporting the Resolution so ably moved by my Honourable friend Rai Bahadur Sri Narain Mahtha. I entirely agree with what he has said. It is no use painting a picture and leaving it half done. If Government feel that there are some defects and Hindu Law requires consideration and codification and they had appointed a Committee and some portion of that law has been codified and recommended for the consideration of this Legislature, there is no reason why the remaining part of the law should be left incomplete. Unless the whole picture is complete, it is very difficult to say what the picture will be. It is not only affecting Hindu society and the vast population of this country, it affects also others who are governed by Hindu Law, and I therefore request Government to see their way to reappoint the Committee to look into the remaining portions of the Hindu Law, although personally I do not agree with my friend Mr. Saprū in his view about the family. His views may be different to those of most of us. But I agree with him that the interpretations and the decisions of the High Courts and the Privy Council have been so different and varied that it is in the interests of the society that the Hindu Law should be considered and improved wherever it is necessary and I give my full support to the appointment of the Committee.

THE HONOURABLE MR. V. V. KALIKAR (Central Provinces : General) : Sir, my Honourable friend Mr. Mahtha in his speech appreciated the labours of the Committee and appreciated the speech of the Honourable Sir Sultan Ahmed which he made in the other House while introducing the Hindu Law Intestate Succession Bill. One may have appreciation for the work of the Committee and one may honestly differ with the views that the Committee have expounded in their Report ; and if any member of this House differs from the views that the Committee have expounded, it should not be taken that the member wants to cast any reflection on the personnel of the committee. For myself I have got the highest regard for the four members of the Committee. I may differ from them in their views. I may not agree with them in the interpretation of the Shastrie Law, but I do not at all say that the personnel of the Committee was incompetent. When the Motion was before this House for a Joint Select Committee I made my position clear about codification. I stick to that view that codification of the Hindu Law is necessary. But I am doubtful whether codification will be practicable within three years or five years--the method how the codification is to be brought about. That is my difficulty and it is a very practical difficulty. If my friend is pleased with the appointment of a Committee for codification, I have absolutely no objection to it. But I am doubtful whether the codification of the Hindu Law in all its branches that he wants will be possible within three years' time. I know of a case and that is about the Sarda Bill. When the Sarda Bill was introduced the Government of India constituted a Committee known as the Joshi Committee. That Committee had to travel throughout the whole of India.

THE HONOURABLE THE PRESIDENT : That was a limited matter. ३

THE HONOURABLE MR. V. V. KALIKAR : It was a very small matter. My point is that on a very small matter the Committee took such a long time to come to certain definite conclusions, they went round the whole of India, they took evidence and after that the committee came to certain conclusions. If the idea of my friend that a committee of certain expert lawyers would sit in the Chamber, send a questionnaire round and take oral evidence of a few experts, I do not think the Committee would be able to codify the Hindu Law. My own idea about codification is that the Government should constitute a committee which should consist of all shades of Hindu opinion and that committee should examine the Hindu law in all its branches. They should take evidence and only after that they can come to certain definite conclusions about the codification. So far as amendment of the Hindu Law is concerned, I doubt very much whether a particular committee holding a particular type of views would really amend the Hindu Law which will be appreciated by the masses of India. My Honourable friend Mr. Sapru said modern Hindu mind will carry the masses. I accept his challenge. Modern Hindu mind has not up till now been able to change the masses. Mr. Sapru stays in Allahabad and practises in the High Court. I am a man going round the village. I know the mind of the masses. When the Hindu Intestate Bill was brought before this House, I tried to take the vote of uneducated farmers in my four villages on the Hindu Bill. I explained to them the implications of the Bill and I may tell you, Sir, that 99 per cent. of the farmers, all uneducated people in the villages, were against it.

THE HONOURABLE MR. P. N. SAPRU : Even the women ?

THE HONOURABLE MR. V. V. KALIKAR : Yes, even the women. The duty of these reformers is first to go round the villages, educate the masses and bring them round to their own views and then try to make substantial changes in the Hindu Law. I therefore submit, Sir, that it is no use saying on the floor of the House that modern Hindu mind can carry the masses.

THE HONOURABLE THE PRESIDENT : But no reform can be achieved unless there is a trial.

THE HONOURABLE MR. V. V. KALIKAR : I quite agree. It is the duty of the reformer to educate the masses and not to force his views. If my friend Mr. Mahtha and his supporters think that they can impose their views on the masses I think they would be disillusioned. They should persuade first the masses. They should try to impress upon the masses the necessity of a change if they think that the change is in their interest. If the masses do not agree they will have to bow down and agree

[Mr. V. V. Kalikar.]

to the wishes of the masses. So my point is that you cannot change the mentality of the masses by making speeches on the floor of the House.

Sir, so far as the amendment of the Hindu Law is concerned minor amendments here and there will not be objected but if you want to change the fundamentals of the Hindu Law the Hindu society as such will be up against it. I therefore submit Sir, that if it pleases my Honourable friend to have my support for having a Committee let there be a Committee which consists of all shades of Hindu opinion, which will examine the Hindu Law in all its branches from the Shastric point of view, from the Vedic point of view and make a report. I am myself doubtful whether the Committee will finish its work within three years or four years, but if it pleases my Honourable friend to see that I am supporting him I have no objection only on this point.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan) : I had no mind to speak at this stage on this Resolution, but being connected with one of the orthodox provincial institutions in the Punjab I must say that it is only when the reformers can carry the masses with them that their utterances in the Legislature will have no effect. Supposing, Sir, the Christian community has got a heavy minority in all Legislatures and they decide to pull down all the churches and they carry that decision into effect, what will be the position then ? I find that on the Continent there is a provision in the constitution that any Legislative measure which affects any particular community ought to have the consent of that community before the introduction of that legislative measure is made. I would like the same clause embodied in our constitution to safeguard the interests of the minority communities and particularly those who belong to the orthodox classes. I will not at this stage object to the formation of the Committee but let that Committee consist of all shades of opinion, including the orthodox section of the community. When the report of that Committee comes it will be examined by a orthodox Committee and then will be the time to examine fully and debate upon the issues involved. I don't oppose the present Resolution.

*THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan) : The Resolution which has been moved by my Honourable friend Mr. Mahtha is one in which I for one cannot see how there can be a violent difference of opinion. This is not a Resolution for imposing any set rules of law ; it only wants an exploration and it is open to the Legislature and the country when a Bill or a recommendation has been made by the Committee either to accept it, reject it, modify it or do whatever they like. I therefore think that there is nothing unnatural or forceful in moving a Resolution in a matter on which there is unanimity of opinion that it requires clarification. The whole object of this Resolution is that the Hindu Law should be codified. In the process of codification necessarily some time occasion arises for amendments and the Committee might recommend some amendments, but we cannot prejudge it. I think it would be putting the cart before the horse if we were to oppose this Resolution on the supposition that it might give rise to some amendments which may not be acceptable to the general public. It is a domestic matter of my friends whether they carry or whether the conservative elements have the majority in the public. I am not a judge on that issue and I will not be a party to force a reform which is not wanted by my sister community. I do not think, Sir, that in lending my support to this Resolution I am in any way queering the pitch. I do wish that the question should be examined, clarified and an authoritative picture placed before the House and the country and in that light I give my whole-hearted support to this Resolution.

THE HONOURABLE SIR A. P. PATRO (Nominated Non-official) : I rise to support the general proposition that the Hindu Law should be codified but whether the appointment of the Committee with the terms noted in the Resolution as the Committee which has become extinct today, will serve the purpose is a different matter. There is great deal of confusion in the discussion of the subject of Hindu Law. In fact, the case of law in the matter of Hindu Law and customs has also been

very conflicting. In such a state of confusion there should be some definite enactment, if practicable, that could lay down definite rules of guidance, but, Sir, all through the discussion here it is assumed that what is called the Hindu Law is applicable to all people calling themselves Hindus in India. Even British text-writers and exponents of Hindu Law stated that it was Hindu Law and custom. Therefore, Hindus are not governed by the Hindu Law alone. There is a large bulk of population who are governed by custom. Therefore, Hindu Law and usage always joined together, and not Hindu Law by itself, separated from usage. As has been pointed out in the introduction to Maine's Hindu Law revised by one of the most progressive social reformers, Mr. Srinivas Iengar, has pointed out the difference between the Hindu Law and the customary law and the non-application of the Hindu Law to certain sections of the people. In the South we have the Dravidian population, to whom the Smritis, Srutis and Puranas do not apply at all. They are governed by their own customs. Hindu Law is made only for the Dvijas—Brahmins, Kshatriyas and Vaishyas. This law is applicable, whether it is the law as interpreted by Yagnyavalkya or it is interpreted by Dayabhag, only to these classes, the Trivarnas, only to the Dvijas. Therefore, a large bulk of the population Sudras are excluded from the purview of the laws intended by these law-givers. The code of Manu also excludes the Sudras from the purview of the Hindu Law as such.

Therefore, the question now is whether the Aryan civilization intended for the Trivarnas could be enforced on the Dravidian civilization which is prevailing in most of the southern parts of India. I have therefore, stood up to make matters clear, that in the application of what is called Hindu Law this aspect of the problem should not at all be forgotten, namely, that in the Dravidian country which extends from the Deccan right down to Ceylon, you find that there is a separate code which governs the population—Deshavalame, it is called. It is a code prepared by the teachers of the Dravidian religion and customs. It is referred to in the introductory chapter by Srinivas Iengar—that Deshavalame is the code which governs the southern Dravidians. The Dravidians are composed of several sects. There are Dravidian sects who do not have marriage customs as they are observed amongst the Hindus. What is the marriage custom recognised amongst the Maravas, who are a warlike community? They send a stick with a *sari* to the bride's place. The sister of the bridegroom gives it to the bride. As soon as the *padavai* and the stick are accepted, the marriage is complete. This custom prevails today amongst the Marava zamindars in Southern India. My learned friend here (Sir David Devadoss) has had to deal with several such customary laws, separate from what we call the Aryan Law or the Hindu Law.

Therefore, Sir, I make this explanation in order to make matters clear that we should not apply the Hindu Law to all those that live in India or are called Hindus. The question arises as to who is to be called a Hindu. A Hindu, as defined by the exponent of Hindu religion and customs—Hindu Mahasabha—includes a Parsi, a Buddhist, a Jain, and so on. The Mahasabha claims that people belonging to those religions which originated in India are Hindus. If that authority of the Hindu Mahasabha as interpreting Hindu feeling or Hindu opinion is to be accepted, then we have altogether a very wide definition of a Hindu—

THE HONOURABLE THE PRESIDENT : That has not been judicially decided.

THE HONOURABLE SIR A. P. PATRO : So the question who is a Hindu must be settled clearly and the term should be defined. According to the Mahasabha definition, all except Christians and Muhammadans are Hindus. Is the Hindu Law to be applicable to all such ?

The problem, Sir, is not so very easy of solution in this way. We have had to meet with some initial difficulties in connection with the question of succession. We all desire that in particular instances there should be greater freedom. For instance, I am one of those who accept that a share should be given to the daughter or the daughter-in-law. We all desire that they should have a share along with the son. But the question is whether you want to force this kind of rule on the Dravidian population who do not at all accept your Smritis or your Shastras. It may conveniently be said that the Hindu Law will be applicable only to those who claim to be Hindus and to whom the Hindu Law at present applies. This is no explanation. This is giving away the case. That will not give any explanation of the position of the several communities in India.

[Sir A. P. Patro.]

Therefore, it seems to me that, while I agree that there should be greater definiteness in the matter of Hindu Law so far as it applies to the Trivarnas or Dvijas, the others should not be forcibly included in it. Courts of law have given decisions based on custom. Therefore the customary law would be applied to them—or, as is said, the usage of the Hindu law would be applicable to them. While I say that codification is necessary, it should not ignore or forget classes of people in the country.

THE HONOURABLE MR. SHAVAX A. LAL (Nominated Official): Sir, I listened to this debate with keen interest. The recommendation embodied in this Resolution is one with which in principle I have the fullest sympathy. Honourable Members, however, will realise that before deciding whether to take immediate action in pursuance of this recommendation Government will have to consider whether a comprehensive codification of the Hindu Law is a task to which it would be appropriate to devote time and labour during the war period. In reaching a decision on this question Government will, of course, pay due regard to the attitude of this House, and while I cannot prejudge their decision, my own hope is that it will be found possible to proceed in the manner desired by the Honourable Mover. In these circumstances he will perhaps seek the leave of the House to withdraw the Resolution. If the Resolution is pressed to a division, Government will remain neutral.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Will the Honourable Member kindly repeat the last sentence of his speech?

THE HONOURABLE MR. SHAVAX A. LAL: If the Resolution is pressed to a division—I do not think it will be, but if it is pressed—Government will remain neutral.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: That will be no great hardship.

Mr. President, when my Honourable friend Mr. Lal began his speech by saying that he had listened to the speeches that had been made with great interest, I guessed what would follow these words and I was not mistaken. My Honourable friend is in sympathy with the principle of the demand. But, as is the case with the Government in regard to other measures, he finds it difficult to decide whether the principle can in practice be applied immediately. He therefore wants time so that Government might consider the situation. It would, of course, give due attention to the wishes of this House but it is already stricken with the doubt whether it would be appropriate during the war to proceed with so comprehensive, difficult and far-reaching a subject as the codification of the Hindu Law. The question of codification has been before Government for along time. The demand contained in my Honourable friend Mr. Mahtha's Resolution has not taken them by surprise. The Rau Committee stressed the need for codification in several parts of its report. For instance, in paragraph 15 to which I would respectfully invite your attention, because it would remove some of the doubts which you yourself have expressed, the Committee say:—

"We ourselves think that the time has now arrived to attempt a Code of Hindu Law. We do not suggest that all parts of the law should be taken in hand at once. The most urgent part, namely, the law of succession, including, of course, women's rights in that connection, may be taken up first. Then the law of marriage and so on. After the law relating to each part has thus been reduced to statutory form, the various Acts may be consolidated into a single Code. We suggest this as a reasonable compromise between piecemeal legislation and a wholesale codification."

The Committee then proceed to point out that Hindu Law was never-immutable and that the ancient law-givers and commentators codified the law from time to time "by a judicious process of selection and exposition of the ancient text and moulded the law to the needs of the time while appearing to make no change". Sir, this advice of the Committee has been before Government for a long time and it was, I suppose, after due consideration of this recommendation of the Committee that Government allowed the preamble to the Bill to amend and codify the Hindu Law relating to intestate succession to be worded as follows:—

"Whereas it is expedient to amend and codify in successive stages the whole of the Hindu Law now in force in British India; and whereas it is expedient first to amend and codify the general law of intestate succession", etc.

I draw attention to these words not to make a debating point but because we have to consider very seriously the attitude of the Government towards the proposal of my Honourable friend Mr. Mahtha as defined by my Honourable friend Mr. Lal. In the

first place I should like to know why it is that Government have come to a different decision from that—

THE HONOURABLE MR. SHAVAX A. LAL : They have not come to any decision.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU :—different from what, is indicated by the preamble which I have just read out. If, however, it is said, as was said by the Honourable Mr. Lal, that Government have not come to any decision it will at any rate be admitted that the Government are at the present time prepared to change their old decision.

THE HONOURABLE MR. SHAVAX A. LAL : There is no decision yet.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Why did you have these words in the preamble that I have just read out ? Do Government use words without attaching any meaning to them ?

THE HONOURABLE MR. SHAVAX A. LAL : They do not mean that the whole law should be codified during war-time. The preamble merely says that this is the first stage in the codification. It does not lay down any time-limit within which the codification should be made.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Is there in these words any indication of the reactionary point of view which is being adopted by the Honourable Mr. Lal on behalf of Government ? In the speeches delivered by the previous Law Member either in the other House or in this House was there anything to indicate that the words that had been used in the preamble merely indicated a desire on the part of Government in the indefinite and vague future to take steps to amend and codify all parts of the Hindu Law ? Surely, it cannot be said of an experienced Member of the Viceroy's Executive Council and an experienced lawyer as my Honourable friend Sir Sultan Ahmad is that he did not understand fully the implications of the preamble and that while his intentions were the same as those of the Government now, he failed to make them clear in the lucid, cogent and vigorous speeches that he delivered in both the Houses of the Central Legislature. I think, Sir, that whatever Mr. Lal may say the attitude now taken up by Government is a departure from their previous decision.

THE HONOURABLE THE PRESIDENT : He has qualified his words by saying that Government is going to remain neutral.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Sir, I do not know what may be in store for us hereafter. Government are neutral now and if we allow such an attitude to pass unchallenged, if we do not do all we can to compel them to stick to their previous attitude as morally and authoritatively indicated by the preamble to the Bill relating to Hindu Intestate Succession, I have a lively apprehension that they will very soon go further and make attempts to jettison this Bill which has been referred to a Select Committee. I should like to know why it is that there is more vacillation now on the part of the Government in regard to the codification of the Hindu Law than was the case while my Honourable friend Sir Sultan Ahmad was the Law Member. Is the new decision or want of decision due to the attitude of the Government as a whole ? Has the matter been considered afresh by the Executive Council ?

THE HONOURABLE MR. SHAVAX A. LAL : It has not been considered, as I have already said. Government wanted to know the views of Honourable Members before they could consider the matter.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : The reason that Government wanted to know the wishes of this House will not hold water. Government took the necessary steps in regard to the Hindu Intestate Succession without waiting for an expression of opinion from either House of the Legislature. And why did they do so ? Did they want to ride roughshod over the feelings and sentiments of Hindus ? Did they want to consider the opinions only of a few advanced reformers in the Hindu community ? No. They arrived at a decision because the replies received to the questionnaire circulated by the Hindu Law Committee among a large number of Hindus qualified to express informed opinions on the subject came to the conclusion that the codification of the Hindu Law was both practicable and desirable.

THE HONOURABLE THE PRESIDENT : It is perfectly true. I do not think there has been any intention on the part of Government to obstruct the codification.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : May I respectfully submit, Sir, that the task of interpreting the intentions and wishes of the Government should be left to the spokesman of Government and that either Mr. Lal or the new Law Member if he cares to come to this House—he should have been here today—should clarify the attitude of Government on this point. But notwithstanding what Mr. Lal has said it is almost impossible not to feel that the outlook of the Government, to use the mildest words, has undergone a change since the Hindu Intestate Succession Bill was placed before the Central Legislature.

Sir, I was asking my Honourable friend Mr. Lal to tell us what was the reason for this change in outlook, if he does not like the word "attitude". Is it due to Government as a whole or is it due merely to the Legislative Department as it is now? Are the intentions of the Government of India as a whole undergoing a slow but reactionary change or are the officers who guide the Legislative Department alone responsible for the decision that my Honourable friend opposite has announced?

Another question arises in this respect which is of no less vital a character which is indeed more vital. The Hindu Intestate Succession Bill to which I have referred more than once has not been withdrawn from the purview of the Legislature. It is still being considered by the Select Committee. I hope that the Government will make every effort to bring that Bill before the Legislature in its next Session and I am confident that if they really desire to proceed with that Bill they will find no difficulty in placing it again before the Assembly and the Council of State. But if their ideas are now in a state of flux, if they are re-examining their previous decision, if they are struck with grave doubts with regard to the possibility or practicability of the codification of Hindu Law at the present time, if they would like to wait for sometime more and see whether they cannot let things remain as they are perhaps not merely during the war but even after it, what will be the fate of the Hindu Intestate Succession Bill? Will their attitude affect this Bill too? Will they help in bringing it before the Legislature during its next session or will they consider that question too and arrive at a decision later, Sir, it is not creditable to a big Government like the Government of India to change its intentions and outlook on vital matters, like the subject that we are considering, in the course of a few weeks. If changes in the Executive Council or in the personnel of any particular Department are sufficient to bring about changes in the policy of the Government on such matters, Government will have themselves to blame if their declared attitude in regard to any matter is not seriously taken by the Legislature.

Sir, I have already referred to the Hindu Law Committee and its opinion with regard to the codification of Hindu Law. There is, however, one aspect of it that I have not dealt with as yet. The Hindu Law Committee suggested the codification of Hindu Law because its examination of the legislation passed in regard to various matters concerning Hindu Law by the Central Legislature during recent years convinced it that piecemeal legislation was unsatisfactory and that steps should be taken to bring the whole of the Hindu Law under revision. The Hindu Community, or at any rate the Hindu members of this Legislature who represent the Hindu community, may not be prepared to wait till the conclusion of the war in order to deal with matters affecting the Hindu Law which in their opinion are urgent and require the immediate consideration of Government. Now if they bring forward legislation on such a subject I feel morally certain, after what my Honourable friend Mr. Lal has said today, that they will oppose non-official attempts to amend the Hindu Law on the ground that the Hindu Law Committee had pointed out the defects of piecemeal legislation. They will flaunt the Committee's report in our faces and make it a ground for opposing all attempts to amend the Hindu Law.

THE HONOURABLE THE PRESIDENT : You are not entitled to anticipate objections.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Sir, there is nothing under our constitution or under the rules and regulations relating to this House which prevents us from anticipating the decisions of Government. We are not children here, Sir. We have some experience of public life and have been in this House for a number of years. We know how Government proceed in such matters, how their attitude changes. I think we are entitled to rely on our past experience to anticipate the devices that Government might resort to in order to obstruct beneficial

legislation and to deal with them as fully as we can. I do not, however, wish to prolong this debate any further. I would therefore only say that if the Government wanted an expression of the opinion of this House they had it in abundance when the Hindu Intestate Succession Bill was considered both in the other House and here. My Honourable friend Mr. Lal, the new Law Member and all those who are connected with the Government of India in a responsible capacity know that the critics and the opponents of the Hindu Intestate Succession Bill have objected to it chiefly on the ground that they were not able at present to have a complete picture of the changes that might be regarded as necessary in order to bring the process of amendment and codification to a satisfactory conclusion. If Government hesitate now to act in accordance with the suggestion made by my Honourable friend Mr. Sri Narain Mahtha it means that they are strengthening the position of those who are criticising and opposing the Hindu Intestate Succession Bill and I think that the most elementary sense of duty ought to compel them to accept my Honourable friend Mr. Mahtha's Resolution and to remove all objections to the Hindu Intestate Succession Bill on the ground that no steps had been taken to review all branches of the Hindu Law so that their relation to one another might be clearly seen. How long such a Committee as that proposed by my Honourable friend Mr. Mahtha will take to complete its task is a matter which need not concern us at the present time. The Committee will be the best judge of the time that it will require to discharge the responsibilities entrusted to it adequately. All that we ask for, Sir, is that the Hindu Law Committee should be reconstituted and that the law relating to Hindu marriage, maintenance, adoption, partition, etc., should be considered so that all those who desire to have a complete picture of the Hindu Law as it is desired to have it in the future may have the entire scheme before them and the Hindu Intestate Succession Bill might not be opposed on extraneous grounds.

Sir, for the reasons that I have indicated I give my strong and whole-hearted support to the proposition placed before the House by my Honourable friend Mr. Mahtha.

THE HONOURABLE THE PRESIDENT: Mr. Lal, you are entitled to give a second reply.

THE HONOURABLE MR. SHAVAX A. LAL: All that I have to say, Sir, is that my Honourable friend—

SOME HONOURABLE MEMBERS: The Mover has the first right of reply. Mr. Lal can only reply after the Mover.

THE HONOURABLE MR. SHAVAX A. LAL: I do not wish to reply. I only wanted to make an explanation but if the House is not prepared to listen to it I will not.

THE HONOURABLE RAI BAHADUR SRI NARAIN MAHTHA: Sir, the House will listen to him in due turn. I wish to thank every Member of the House who has supported my Resolution. I think I have had almost unqualified support from every Party in this House for my Resolution. It has been supported by members—Sikh, Mussalman and Hindu—orthodox and non-orthodox. But, in replying to my Resolution on behalf of Government I feel constrained and sorry to have to say that the Honourable Mr. Lal tried his best to camouflage the situation.

THE HONOURABLE MR. SHAVAX A. LAL: You are entirely mistaken.

THE HONOURABLE RAI BAHADUR SRI NARAIN MAHTHA: I shall soon tell you how. But, Sir, before I proceed to answer objections that have been raised either by Mr. Lal or others I think what I should first do is to legitimately complain about the absence of the Honourable the Law Member who should have been here today. I am quite sure in my mind that the question which we are discussing here today is the most important question that his Department is dealing with at the present time. His Department is not concerned with the Defence of India Rules or with Ordinances. Therefore, I assert, that the matter to which my Resolution refers is the most important task that is before the Law Department and in the hands of the Law Member and we all seriously take objection to his absence from this House today. I think, Mr. Lal should at least have shown us better courtesy by giving us some explanation on this point instead of trying to defend an indefensible position and trying to explain what the attitude of the Government at the present time is. Mr. Lal said that Government had not arrived at a decision. May I ask to which

[Rai Bahadur Sri Narain Mahtha.]

time he refers ? They had arrived at a decision to codify the Hindu law—

THE HONOURABLE MR. SHAVAX A. LAL : They never arrived at a decision.

THE HONOURABLE RAI BAHADUR SRI NARAIN MAHTHA : They did arrive at a decision. I have got your papers before me.

THE HONOURABLE MR. SHAVAX A. LAL : Whether you accept or reject my assurance, it is there.

THE HONOURABLE RAI BAHADUR SRI NARAIN MAHTHA : The decision was there when the Bill was introduced. In my opening speech

1 P. M.

I pointed out that in the preamble to that Bill they did say that "Whereas it is expedient to amend and codify, in successive stages..."

THE HONOURABLE MR. SHAVAX A. LAL : "In successive stages"—not at once.

THE HONOURABLE RAI BAHADUR SRI NARAIN MAHTHA : I am coming to that.

Then, Sir, the Law Member, in his speech in the Legislative Assembly, commenting on this point, said :—

"The urgency of the problem, therefore, became acute, and in spite of obvious difficulties of promoting such legislation during war-time, Government could not remain idle"—

THE HONOURABLE MR. SHAVAX A. LAL : That was pointed out in connection with the Intestate Succession Bill.

THE HONOURABLE RAI BAHADUR SRI NARAIN MAHTHA : I will persently tell you how the reference I have made is relevant.

Sir, the Law Member went on to describe how the Committee proceeded with the work and whom they consulted. He said :—

"They addressed High Court Judges, distinguished lawyers and citizens, members of the Central Legislature, High Court Bar Libraries, Heads of the religious institutions, Women's Associations, Social Reform Associations, Pandit's Associations, and others, and after considering their views very carefully issued a Preliminary Report on the 19th of June, 1941. They very strongly advocated the preparation of a Hindu Code".

That was the context in which the Law Member was speaking and it will be evident if the whole paragraph from which I have quoted is read.

Sir, I do not think it is ever possible now for anybody to make out a proper argument how Government can reasonably eat up what they said only a few months ago.

I do not want to detain the House by going into the details of the arguments that were put forward by other members, because I find there was no difference in this House with regard to the subject-matter of codification. I should like just to refer to one thing to which you yourself were pleased to draw the attention of the House when the Honourable Mr. Sapru was speaking. When the Honourable Member was speaking, he said that the most important part of the Resolution, to his mind, was that relating to amendment than codification of the law, and you, Sir, put him the very pertinent question whether Hindu Law was changed, and if so, how, before the advent of the British in India. On that point I will give this House some information that I have. I am quoting from Dr. Altekar's book *The position of Women in Hindu Civilization*, one of the most authoritative books available in this country. Dr. Altekar is the head of the Department of Ancient Indian History and Culture in the Benares Hindu University. This is what he says :—

"There used to be a body of learned and pious Pandits, who used to survey the situation from time to time and guide the society by their opinions as to the advisability or suitability of some of the new changes that were being felt to be necessary under changed circumstances. The considered opinions of such Pandit associations (*parishads*) used to be eventually incorporated in new Smritis, which used to be known after the names of their presidents. Smritis like those of Devala, Brihaspati or Katyayana and later works like the Mitakshara and the Dayabhaga which proposed important new changes in the then established old practices, were really due to the activities of such learned bodies (*Pandita-parishads*)".

That is the important information that I wanted to give and to point out that the formation of a competent body with knowledge of Sanskrit text, case-law, and with a wide and expansive outlook about the needs of Hindu Society would be no novel or unorthodox procedure.

Sir, the Honourable Mr. Lal in his closing remarks advised me to withdraw my Resolution. I do not see the slightest reason for doing so. All the members of the House on this side are united in the opinion that this wholesome work about which a sincere undertaking was given by Government on the last occasion should be pursued. Government have been very unfair, and I should say they are now clearly trying to recede from the position which they had taken up last time. It is not fair for them to remain idle under the plea that they are reconsidering the position or to say that they have not arrived at a decision. That is a very different position from what they stated on the last occasion. I earnestly want to press this Resolution to a division, and I request my Honourable friends to realise the strength of Hindu feeling in the matter and to vote for the Resolution.

THE HONOURABLE THE PRESIDENT : Resolution moved :—

"This Council recommends to the Governor General in Council to reconstitute the committee commonly known as the Hindu Law Committee, and to charge this committee with the work of suitably amending and codifying the Hindu Law in all its branches so as to enable Government to place before the Central Legislature necessary legislative measures for due enactment as early as possible".

Question put and Motion adopted.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan) : Sir, in view of the fact that Government has permitted a day to be allotted for the discussion of the food situation, I do not wish to move my Resolution.

THE HONOURABLE THE PRESIDENT : Will the Honourable Mr. Sapru take long in moving his Resolution ?

THE HONOURABLE MR. P. N. SAPRU : I will take about 15 minutes, but there may be other members who wish to speak.

THE HONOURABLE MR. SHAVAX A. LAL : We can, I think, finish the Resolution before Lunch.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : I do not think we can finish the discussion before 1-30 P.M.

THE HONOURABLE THE PRESIDENT : The Honourable Mr. Sapru may be able to finish in 15 minutes, but I cannot prevent other members from speaking.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : The Honourable Member is modest : he may have so much to say on the Resolution.

THE HONOURABLE MR. SHAVAX A. LAL : I think we shall be able to finish before Lunch. I do not think there will be any controversy.

THE HONOURABLE THE PRESIDENT : I do not mind, but objection has been taken by the Honourable Pandit Kunzru.

THE HONOURABLE MR. SHAVAX A. LAL : Then it will be for the Honourable Member to maintain a quorum in the afternoon.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : If the Government do not want it, of course, the House will not have a quorum.

THE HONOURABLE SIR MAHOMED USMAN (Leader of the House : We can meet at 3 o'clock, Sir.

The Council then adjourned for Lunch till Three of the Clock.

The Council re-assembled after Lunch at Three of the Clock, the Honourable the Chairman (the Honourable Mr. M. N. Dalal) in the Chair.

STANDING COMMITTEE ON EMIGRATION.

THE HONOURABLE MR. G. S. BOZMAN (Secretary for Indians Overseas) : Sir, with your permission, I wish to move :—

"That this Council do proceed to elect, in such manner as the Honourable the President may direct, one non-official member to serve on the Standing Committee on Emigration during 1943-44 in the place of the late Honourable Diwan Bahadur K. Govindachari."

The motion was adopted.

THE HONOURABLE THE CHAIRMAN (the Honourable Mr. M. N. Dalal) : Honourable Members, with reference to the Motion which has just been adopted by the Council, I have to announce that nominations will be received by the Secretary up to 11 a.m. on Friday, the 6th August, 1943, and the date of election, if necessary, will be announced later.

RESOLUTION *RE* APPOINTMENT OF AN AGENT TO THE GOVERNMENT OF INDIA IN BRITISH GUIANA AND TRINIDAD.

THE HONOURABLE MR. P. N. SAPRU (United Provinces Southern : Non-Muhammadian) : Sir, I beg to move the following Resolution :—

“ This Council recommends to the Governor General in Council to represent to His Majesty's Government that an Agent to the Government of India be appointed in British Guiana and Trinidad to watch Indian interests.”

Sir, I am omitting the word “ the ” (from the Resolution as printed in the Agenda) because I think the word “ the ” there is wrong English.

THE HONOURABLE THE CHAIRMAN (the Honourable Mr. M. N. Dalal) : It is a consequential change. I will allow it.

THE HONOURABLE MR. P. N. SAPRU : Sir, I should not like to take very much time in moving this Resolution but I think it is necessary for me to state a few facts in regard to these countries in which I want Indian Agents to be appointed. (At this stage the Honourable Mr. M. N. Dalal vacated the Chair which was taken by the Honourable Sir David Devadoss.)

The Indians resident in British Guiana and Trinidad are, generally speaking, descendants of Indian labourers who went there more than a century ago. I think they went there in 1827. They celebrated their 100 years' residence in 1937. These colonies are situate at a considerable distance from us. I cannot give the exact geographical location. They are in the American continent. They are near South and Central America. We do not possess sufficient information in regard to the conditions under which our people live in these colonies. We have had, however, some Commissions or Committees sent out to these countries from time to time, and through those Committees and through personal visits of one or two individuals we have been able to gather some information in regard to the conditions under which our countrymen live in these colonies. Sir, I find that a Commission was sent by us to British Guiana, Trinidad, Jamaica and Fiji in 1914. Then there was a Committee sent in 1921 to British Guiana and Fiji. I am not concerned with Fiji now. I am only concerned with British Guiana. Sir, Maharaj Singh, who was at one time Agent General in South Africa, visited British Guiana on behalf of the Indian Government in 1924 or 1925. I am not exactly sure of the date. In recent years one of the respected members of the Servants of India Society, Mr. Kodanda Rao, has also visited these countries. In British Guiana, the number of Indians is, I believe, 136,000. 54,000 of these Indians are engaged on the sugar plantations. Indians form, so I gather, 90 per cent of the resident labour employed on these sugar plantations. There are some non-resident labourers also on these plantations. I find that in or about 1935 there were labour strikes there. A Commission was appointed to inquire into the causes of these labour strikes and suggest remedies therefor. The Indian grievance against the Commission was that they were not given any representation on that Commission. They did not lead any evidence before the Commission as a gesture of dissatisfaction with the composition of the Commission. Nevertheless it is due to the Commission to say that it did its work quite well. It pointed out that the grievances that the Indians had were genuine and in paragraph 63 of their report they went to the length of saying that their present plight was even worse than their plight under the system of indentured labour. The system of indentured labour was abolished under the lead given by Mr. Gokhale in 1917 or 1918. Then, Sir, I think we used to have an Agent General in British Guiana until 1931 and the post of the Agent General was abolished in 1931. This is so far as British Guiana is concerned. I shall have something to say about the educational conditions of Indians a little later in British Guiana.

Let me just go on to state a few facts about Trinidad. In Trinidad we have about 361,000 Indians. Now in both British Guiana and Trinidad, one thing that strikes one is that there is a very close connection between the Church and education. I should be the last person, having received my higher education in a Mission institution myself, to say anything against missionary institutions. But it does strike me that these schools are controlled by the Church and that is not right. The connection in that Colony between the Church and the Government so far as education is concerned is very very close. One might almost say that Government have

abdicated their responsibility, so far as education is concerned in favour of the Church. The Bishop of British Guiana gets a special grant for missionary work amongst these people and the Trinidad Government gives the Mission an ecclesiastical grant of about 50,000 dollars. I cannot be very exact about the figures. I have taken them from a debate in 1937 which was held in the Council of State. I do not know exactly what the figure today is. If you take Trinidad you will find that there are about 245 Mission schools there and the number of Government schools is only 45. In British Guiana you have 143 schools controlled by Missions. You have only four schools run by Government. In other words, education is in the hands of missionaries. As early as 1871 a Royal Commission had recommended that Government should recognise its responsibility towards education. Then we had a Commission charged with inquiring into the system of education in those Colonies in 1924 appointed by His Majesty's Government. This Commission also scathingly condemned the existing system of education. Its recommendation was that educational control should not be left in the hands of missionaries. They suggested that it should be undertaken by the State. The Commission went further and described the denominational schools as inefficient, but though it thought these schools inefficient, it was not prepared to recommend their replacement. Educational conditions among Indians there are unsatisfactory. Education is backward among Indians in British Guiana partly because the State has failed to discharge its responsibility and partly because Indians too have failed to appreciate the value of education. Perhaps one strong reason is that the Indians dislike the present system which permits of missionary control of education. There is now compulsory education for Indians between 5 and 12. This provision has not been strictly applied to Indians. They are subject to compulsion. Nevertheless they hesitate to send their boys and girls to missionary institutions and there is therefore a good deal of illiteracy among the Indians in Trinidad who constitute 26·5 per cent. of the population. We know that various statements have been made in regard to the colonial policy that will be pursued by His Majesty's Government in the future. They look forward to an era of increased prosperity and educational advancement in these Colonies and one reason why I suggest that an Agent should be appointed is that we should have a man who would be able, when this task of reconstruction is taken up by His Majesty's Government, to press the claims of our nationals upon the authorities in these territories. An Indian Agent would be able to help in the solution of the problem so far as Indians are concerned.

I come to labour conditions. In British Guiana there were serious strikes in 1935. A Commission was appointed which made excellent recommendations. It said that as labour was unorganised it was unable to represent its case properly to the authorities. Because of its not being well organised it has little bargaining capacity. Labour has to work for long hours in the field and factory and labourers have to work under difficult conditions. I should like to say that it was pointed out by this Commission that the managers of the sugar estates controlled the life of the Indian labourers and there was no one to look after them. Formerly we used to have a Protector of Indian Labour but we have not got any Protector now.

Now, Sir, I come to a Resolution which was moved on September 20th, 1937, in this House. The Resolution asked for the appointment of Indian Agents in Trinidad, British Guiana and Fiji and it was moved by the Honourable Mr. Kunzru and accepted on behalf of the Government by Sir Jagdish Prasad. Sir Jagdish Prasad made the following observations and I beg leave to quote him, in accepting that Resolution :—

" I confess that never was the necessity for Agents in these Colonies brought home to me more forcibly than today. I can assure the House that the Government of India will spare no efforts to do their utmost to secure the appointment of Agents wherever feasible ".

Now, Sir, this Resolution was accepted in 1937. This is 1943 and an Agent has not been appointed in these Colonies yet. Of course, the war intervened but that is, I submit, no adequate reason for not having given effect to this recommendation. Then you had outbreaks of labour trouble, riots and disorders in 1937 which were

[Mr. P. N. Sapru.]

due to the agitation of the British public vested interests in the Colonial Empire with the result that in 1938 a new Royal Commission was appointed headed by Lord Moyne to investigate social and economic conditions in these countries and to make recommendations. Now, Sir, the Indian evidence before this Royal Commission was unanimous in asking for the appointment of an Agent of the Government of India in Trinidad and British Guiana. It was suggested at that time that the two Colonies might be given a single Agent and that single Agent might be accredited to Jamaica also. Now we were represented by Mr. Tyson with whom the House is familiar—he was a member of this House—and in his evidence before the Commission Mr. Tyson said :—

“The Government of India would welcome the concurrence of the authorities concerned in the establishment of such a post”.

His Majesty's Government decided not to publish the full text of the Commission's report. Only the major recommendations of the Commission were published and one of these recommendations is this :—

“In order to ensure substantial equality in the consideration of the problems of East Indians we recommend that some officer or officers, preferably members of the Labour Department, should specialize in East Indian questions and, if suitable candidates are forthcoming, should be East Indians”.

I think Sir, an officer of the Government of India having the status of an Agent, will be better able to secure equality in the consideration of the problems affecting East Indians by the Colonial Governments than an employee of the Labour Department of these Colonies can.

Sir, we know that in Malaya we used to have a Protector of Indian Labour but we did not find that experiment very good. In fact, we found that the Protector of Indian Labour used to function more or less as a tool in the hands of British planters and we had subsequently to replace him by a man from the Indian Civil Service. Mr. Venkatachar was appointed as our first Agent to Malaya and I know that he did extremely well in that position. He was an able member of the Indian Civil Service in the United Provinces and he did very good work there. He enhanced the reputation of Indians in that Colony. Now, Sir, he was the Indian Agent there who protected Indian labour and who kept the Government of India informed, as the then members of the Emigration Committee—and I was a member of the Emigration Committee then—know, of developments in that country. Recently, Sir, we know that the British Government has made a grant of £5 million for Colonial development and welfare. This money is not being fully utilised at the present moment because the Colonial Governments have been somewhat slow in presenting schemes which need grants.

Sir, as I have said, in the post-war period we may expect a conscious effort to raise the standard of living in these colonial areas. We may expect also modifications in the system of Colonial Government. We may expect an expansion of education as suggested by the Moyne Commission in these areas. There will be a new outlook towards these Colonies—that at any rate is what His Majesty's Government has been saying—and it is necessary that there should be someone to protect the interests of Indians in British Guiana and Trinidad, where Indians are not receiving proper education and where they have not those facilities in an adequate degree on which their moral and material progress depends. Of course, hitherto the case of the Colonial Governments has been that funds are lacking but the fact that the British Government's grant is not being fully utilised shows that it is not money but will that is lacking, and the comment that I would make is that if there had been an Indian Agent he would not have been slow in presenting development and welfare schemes which need funds.

I do not see, Sir, what objection there can be to an Indian Agent in these Colonies. The principle was accepted in 1937. We have an Agent General in South Africa. Of course, unfortunately Malaya is under Japanese occupation at the moment and Burma is also under Japanese occupation at the moment. We had Agents in those countries but we have an Agent now in Ceylon of the stature of Mr. Aney.

THE HONOURABLE MR. G. S. BOZMAN : Representative.

THE HONOURABLE MR. P. N. SAPRU : Is he going to be called representative ?

THE HONOURABLE MR. G. S. BOZMAN : An Agent still exists. Mr. Amery is the Representative.

THE HONOURABLE MR. P. N. SAPRU : I stand corrected, but we have a high Commissioner in South Africa—of course his status is higher—and we have Legations now in Washington and Chungking. I am not sure, Sir, whether we need Legations in Washington and Chungking but I am sure that we need an Agent to watch the interests of our nationals in Trinidad and British Guiana and I see no reason, Sir, why His Majesty's Government should not permit us to have a diplomatic representative who will keep us informed of the condition of our nationals in those countries. (*Interruption.*) Fiji does not form part of my Resolution ; that is why I am not mentioning Fiji.

• We, Sir, cannot divest ourselves of interest in the welfare of our nationals in those countries. They went as indentured labourers, and we have a responsibility towards these men. Culturally they have many contacts with us. They are living at a tremendous distance from us, and we should like, as Indians who are interested in the welfare of their nationals abroad, to know how exactly they are faring. We hear disquieting reports about conditions there, and those reports excite feelings. If there is an Agent in these Colonies, then the reports that we shall get will be accurate reports ; we shall have someone upon whom we can rely for accurate information.

✓ Sir, I do not wish to take the time of the House any further. I have spoken at greater length than I had originally intended. With these words, I commend this Resolution to the unanimous acceptance of the House.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan) : Sir, I rise to support the Resolution which has been so well moved by the Honourable Mr. Sapru. One point which he has omitted to deal with is the question of the religious disabilities to which the Hindus particularly are being subjected in Trinidad and British Guiana. Representations from Indians reached the Punjab Provincial Sanatan Dharma Pratinidhi Sabha, of which I am privileged to be the President, asking us to do something for the people there who were in great difficulties. On that the Pratinidhi Sabha deputed Dr. Parashuram Sharma to Trinidad and British Guiana to report upon the religious and political disabilities under which Indians were suffering. Dr. Parashuram visited both these Colonies and reported to the Sabha on the difficulties from which Indians suffered. One of the difficulties was that unless the marriage of Hindus was registered their progeny was considered as illegitimate. There was a Hindu organisation established there of which the chairman was a Christian. As regards educational, civic and other sanitary facilities, which are not afforded to our nationals in the Colonies in question, my Honourable friend Mr. Sapru has dealt with these.

Public impression is that the promises of the Indian Government seldom materialise as far as the Colonial Office and the Foreign Office are concerned. Sir Jagdish Prasad when he was Member in charge of Overseas Department recently accepted the resolution which recommended that Indian Agents should be appointed in certain Colonies. He agreed to our recommendation, but it has so far not materialised. The Royal Commission which visited the West Indies, British Guiana and Trinidad did report on the matter. That has been dealt with by the Honourable Mr. Sapru. But the question of enjoyment of religious rights—which it has been the tradition of the British Government to respect—has not been respected. It is imperative that the Government of India should, as soon as possible, appoint an Indian Agent there to safeguard the religious, civic and other interests of the Indians who unfortunately have settled there.

With these words, Sir, I support the Resolution.

***THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR (Madras : Muhammadan) :** Sir, I give my wholehearted support to this Resolution. My Honourable friend Mr. Sapru has made out a very strong case for the appointment of an Agent in these Colonies. He is right also in stating that an Agent is the proper officer to be appointed in those parts. What the Protector of Labour can do is not the thing that we want to be done on behalf of our nationals in those Colonies. As my Honourable friend the Mover stated, the Protector of Labour very often deteriorates into an instrument in the hands of the influential planters and of the

[Saiyed Mohamed Padshah Sahib Bahadur.]

Government there. It is therefore necessary that we should have a responsible officer of the status of an Agent of the Government of India.

Sir, in this connection I should like also to mention the fact that Sir Jagdish Prasad, who was in charge of this portfolio, made almost a promise to the effect that such an officer would be appointed to look after the interests of our nationals in Trinidad. It is therefore very just and fair that the Government should try and see its way to the appointment of an Agent in Trinidad and British Guiana.

There is another reason why the Government should try and do what this Resolution asks them to do. The conditions in these Colonies are much better than the conditions prevailing in places like South Africa and so forth. It is just possible that if an officer of the status and influence of an Agent of the Government of India is appointed, he will be able to try and improve those conditions very easily and thereby assure a decent and proper standard of living to our nationals who are settled in those Colonies.

One other fact that I should like to mention about these Colonies is this. Unlike South Africa, the Indian settlers in Trinidad and British Guiana are not subjected to any racial discrimination. They are not labouring either under racial prejudice or under political discrimination. They are supposed to have equal rights with the other citizens in those countries. One thing that has prevented the Indian settlers in those parts from improving their lot is the unwillingness on the part of the Government there to try and do all that is necessary for the uplift of the Indian community by way of providing sufficient educational facilities and so forth. The defect in the system of education which obtains in those parts has been referred to by my Honourable friend Mr. Sapru. He is perfectly right in stating that the main reason which stood in the way of the Indian settlers there receiving a sufficient amount of benefit from the educational facilities has been the fact that the educational institutions there are under the control mainly of missionaries. Mr. C. F. Andrews, than whom there can be no better authority in matters like these, visited these colonies some time about 1928 or 1929. He also was of opinion that the educational system in those colonies was far from satisfactory and that the fact that these East Indian schools were managed by the missionaries there gave rise to a lot of difficulties. One of those difficulties was that these missionaries belonged to various denominations. There used to be regular, unhealthy rivalry between these missionaries. So it was not possible to have a correlated and synthetic system of education which was managed by people of different nationalities who were trying to die with each other and have different standards of education in their institutions. He was also of opinion that there was much to be desired in the sanitary and health conditions of those educational institutions. Again, there is also this point of view to be taken into consideration, namely, that on account of the fact that the Indians in those Colonies have been there for long generations they have lost all contact with the mother country. Most of them have come to adopt a sort of civilisation which is neither Indian nor American, which is neither oriental nor western, and the result has been that most of the present generation are people who have hardly any idea of religion, and children who are not grounded in the fundamentals of religion are apt to be a prey to the endeavours of any other people who would like to convert them to their own persuasion. For all these reasons it is necessary that the educational system should be modified and improved.

Again, Sir, it is much easier for improvement to be effected in the lot of our nationals in these parts than in most other parts of the Empire. The land there is very rich. Much of it is undeveloped and it can easily be developed and exploited and brought to good account. If I remember aright, Sir, about 1920 or so, there was a real scheme propounded to colonise those countries with Indian agriculturists. It was realised that the Indian agricultural labourer was very helpful in developing the country. It was, therefore, suggested that agriculturists from India should be invited to British Guiana and other parts of the West Indies and given land freely for the purpose of developing it and bringing to use much of the waste land which is now lying there. But this system was subsequently abandoned and I do not know what the reason was that persuaded the Governor there about 1924 to give up this system. This system was abandoned. Labour recruitment, as you know, Sir, has in all cases failed to achieve the desired object. Therefore, Sir,

I give my whole-hearted support to the Resolution, for this reason, that it is only a person of the status of a Government of India Agent that will be able effectively to look after the interests of these people. He is the only person who would be in a position to protect the interests of our nationals who are resident there. It is very necessary that we should come to the rescue of our nationals there. In fact, a complaint to this effect was made by the residents of these places when an address was presented to Mr. C. F. Andrews when he visited the Colony in 1929. One of the complaints made in that address was that the mother country, India, was wilfully culpable. For all these reasons, Sir, I am strongly of the opinion that an officer of the status and rank of a Government of India Agent should be appointed in these places.

THE HONOURABLE MR. G. S. BOZMAN (Secretary for Indians Overseas): Sir, the speeches which have so far been made seem to me to leave me with practically nothing at all to say on the main subject of the Resolution, namely, the appointment of an Agent. I believe that Honourable Members have read the memoranda submitted by Mr. Tyson to the Royal Commission in the West Indies in 1938-39. In his Memorandum on British Guiana, Mr. Tyson devoted five paragraphs to the appointment of an Agent of the Government of India. In his Memorandum on Trinidad he merely referred to what he had said in his Memorandum on British Guiana. I think that those paragraphs written by Mr. Tyson really cover the whole case for the appointment of an Agent in the West Indies. Mr. Tyson there put the view of the Indian community in the West Indies and he also put the view of the Government of India. The Government of India supported every word that Mr. Tyson had said in regard to this appointment. They informed His Majesty's Government that they were anxious that such an appointment should be made. They again informed His Majesty's Government, as I think Honourable Members will remember, in 1941 when the Honourable Rai Bahadur Lala Ram Saran Das raised the point in the finance debate and Sir Girja Shankar Bajpai replied to say that this matter must be taken up again. That was in 1941. The matter being taken up again now, Sir, but I will just quote what Sir Girja Shankar Bajpai said:—

"I can assure my Honourable friend"—(I think it was Pandit Kunzru)—"that in so far as keenness and vigour of representation go, we have not been lacking in the least. But he will also appreciate that it is not possible for one Government however keen and however vigorous it may be, to enforce upon another a representative".

The position, Sir, I regret to say, is exactly the same today. I need hardly mention that the Government entirely accept the Resolution that my Honourable friend Mr. Sapru has moved and I believe that there will be no opposition to it from any quarter in this House. The debate upon the Resolution will again be forwarded to His Majesty's Government. His Majesty's Government and the Colonial Office are well aware that the Government of India are still anxious—as anxious as they always have been—that this appointment should be made.

I need refer I think only to one or two small matters that were mentioned in the speeches. Firstly, I should just refer to the question of education in British Guiana and Trinidad.—Mr. Tyson in his Memoranda stressed the objection to the sectional character of the education there and I am glad to see that the Royal Commission have accepted his view and have stated quite specifically that in their view the educational responsibilities should be taken over by Government. There is a definite recommendation that in schools at present managed by the Denominations, if salaries are paid by the Government, complete control in staff matters should be assumed by Government. This would apply to all the schools in British Guiana and Trinidad and it is a most valuable recommendation. This is a matter in which we are entirely at one with the Honourable Members who have spoken in this House. We would infinitely prefer to see all the education in these territories under Government control and I have no reason to believe that the strong recommendations of a Royal Commission of this nature—and I may say somewhat surprisingly the unanimous Report from a Commission containing people of very strong views—I can hardly imagine that the recommendations of such a Commission as this can be overlooked by the Colonial Administration.

Reference was also made to the labour conditions, a matter which vitally affects the East Indian population as they are known in those territories. We have made

[Mr. G. S. Bozman.]

some progress in British Guiana. A Labour Ordinance was passed in 1942 which provides for the appointment of a Commissioner of Labour. That Ordinance was shown to us in draft form. We made a large number of comments upon it in the light of our experience in Malaya and Ceylon and I am glad to say that a certain number at any rate of the recommendations made by the Government of India were accepted and were incorporated in that Ordinance.

There have, as Honourable Members are aware, been constitutional changes in British Guiana, Trinidad and Jamaica. On all these matters the Government of India have requested His Majesty's Government for full information in advance as to the schemes they have in mind and we have made representations for suitable Indian representation, that is, representation from the resident Indian community, in the constitution itself. To what extent those recommendations will be accepted of course I cannot say. There is a Franchise Commission working in two, I think of the territories concerned. But these are matters on which we are in entire agreement with the members of this House, that the case for the East Indian community in these territories could be very much more adequately represented by an Agent of the Government of India on the spot than by long-distance correspondence between ourselves and the Administrations there through the auspices of His Majesty's Government.

I should mention also, Sir, the point raised by my Honourable friend Lala Ram Saran Das with regard to certain of the religious difficulties that East Indians experience in these territories. They are specifically referred to in the recommendations so far published of the Royal Commission. They say :—

"We find ourselves in full sympathy with the complaints regarding the arrangements for legitimisation and validation of East Indian marriages, and recommend that these marriages should, as far as the law is concerned, be put on exactly the same footing as other marriages. That is to say, the onus of registration should be placed, under penalty, on the priest or other religious functionary performing the ceremony; failure on his part to register the marriage should not, as at present result in its invalidation at law. The selection of priests, etc., to act as marriage officers should not present undue difficulty, especially if carried out in conjunction with responsible representatives of the Indian community. There was a further complaint in British Guiana that the local law does not provide for the recognition of divorces according to Moslem usage. This recognition has been accorded in Trinidad and, we were assured, works satisfactorily. We recommend legislation where necessary on the Trinidad model to meet this grievance".

. And then they add :

"Numerous complaints were made to us that Hindus were unable to dispose of their dead in accordance with their religious custom, by cremation. Witnesses were unable to point to any enactment limiting their freedom of action in this matter; and Government officials assured us that there was no intention to prohibit cremations, subject to certain reasonable sanitary and other conditions. It seems to us that these complaints are largely based on misunderstanding, and we recommend that Governments take steps to make the legal position plain and to ensure that, subject to necessary safeguards, no obstacle should be placed in the way of the practice".

I read this because I think it will be of interest to Honourable Members to know that the religious difficulties pointed out by the community there to the Royal Commission were very specifically noticed even in this summary of recommendations. We do not know what recommendation the Royal Commission may or may not have made with regard to the appointment of an Agent. Nothing is shown in this summary which has been published. We have not seen their report.

One small point mentioned by my Honourable friend Mr. Sapru with regard to the colonial development grant was a point of very real importance in regard to this proposal that an Agent should be appointed. The grant is for a maximum of £5 millions each year over ten years. That covers of course a large number of Colonies and territories, but the sum is a handsome one and it is to be devoted to such matters as education, housing, public health and sanitation and these are all matters in which the East Indian community are most particularly interested as they constitute very largely the poorer classes of the population. We therefore feel with this House that it would be most desirable that an Agent of the Government of India should be appointed in the West Indies. Whether this territory covers British Guiana and Trinidad or Jamaica or any other particular territory is a minor point of administration which we need not discuss now.

I should like to make it perfectly clear that the Resolution is accepted by Government in the spirit in which it is moved and that we shall make the strongest

recommendation we can to His Majesty's Government that this policy should be put into effect.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (United Provinces Northern : Non-Muhammadan) : Mr. Chairman, I listened with great pleasure to my Honourable friend Mr. Bozman. I felt certain that the Resolution would be accepted by Government as a Resolution of wider import on the same subject had been accepted by Sir Jagdish Prasad in September, 1937. The Government of India have been saying ever since 1937 that they are in correspondence with His Majesty's Government. Mr. Bozman has again told us that the matters to which my Honourable friend Mr. Sapru referred would be brought to the notice of His Majesty's Government. When is this process of bringing things to the notice of His Majesty's Government to end and when will a final decision be arrived at ? On the 8th April, 1940 I asked what steps had been taken to appoint Agents of the Government of India in Fiji and British Guiana. Mr. Tyson replying to my question said :—

"The appointment of an Agent in Fiji has been under separate correspondence with His Majesty's Government. No final decision has yet been communicated by His Majesty's Government. The case for a similar appointment in British Guiana was placed before the West Indies Royal Commission in the evidence given on behalf of the Government of India".

Now it is well known that Indian evidence both in Trinidad and Jamaica unanimously demanded the appointment of an Agent to the Government of India. I consequently wanted to know whether the West Indies Royal Commission had made any recommendation on the subject. Mr. Tyson said that the published recommendations made no reference to this request. I then asked him whether the Government of India had addressed any enquiry to His Majesty's Government on the subject and he said "Not yet". Now my Honourable friend Mr. Bozman has contented himself merely with telling us that the published recommendation of the West Indies Royal Commission made no reference to the demand of the Indian communities of British Guiana and Trinidad which was supported by Mr. Tyson on behalf of the Government of India. Have they, as a result of the question put by me on the 8th April, 1940, to which I have already referred, made any enquiries from His Majesty's Government on that point ? If they have, I should like to know definitely whether there are any unpublished recommendations of the Commission and whether any of them deals with this question ? It is a matter of the utmost importance. My visit to Fiji has convinced me not merely of the desirability but of the necessity of appointing Agents of the Government of India in those Colonies where there is a substantial Indian population. The Indians of these Colonies are, if I may say so, political orphans, who are the concern neither of the Colonial Government nor of His Majesty's Government. Recently, His Majesty's Government have given more attention to the administration of the Colonies. Every one who has any acquaintance with the state of things in these Colonies will welcome the change in the policy of His Majesty's Government, but so far as the Indian community is concerned I think that its status will never be what it should be unless there is an Agent of the Government of India to represent Indian interests and to enable both the authorities and the people in general to realise that the Indian communities in these Colonies are in touch with the Government of India and that their grievances can be brought in a responsible manner before the Governments concerned. To raise both the political and social status of these communities I think that the appointment of an Agent of the Government of India is necessary. His Majesty's Government may have postponed a final decision on the question of the appointment of Agents of the Government of India in Fiji, British Guiana and Trinidad owing to the war but it is pertinent to note in this connection that the work of the West Indies Royal Commission was not allowed to be interrupted by the war. It is quite clear from this that even in Colonial matters His Majesty's Government have been prepared to take action on important questions notwithstanding the war. There is no reason, therefore, why the excuse of war should be trotted out to postpone the decision of the question raised again in this House today, raised for the second, third or fourth time in this House during the last six or seven years, and I hope that the Government of India will, therefore, not be content with merely bringing the proceedings of this House to the notice of the Secretary of State for India but represent the matter vigorously to him and let him understand that India expects an immediate decision on the subject.

[Pandit Hirday Nath Kunzru.]

I do not wish, Sir, to labour the question further, except to repeat what I said when Sir Girja Shankar Bajpai was here, that though the Government of India are in favour of the demand put forward by my Honourable friend Mr. Sapru, they have not to our knowledge shown the keenness and vigour that we had a right to expect from them in connection with this matter. If they shake off their weakness and impress upon the Secretary of State the importance and urgency of this matter I hope that a decision—and a satisfactory decision—will be arrived at at an early date.

*THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan) : I do not wish to take up the time of the House very much. I shall probably finish in four minutes.

I rise to support this Motion and in doing so I do not wish to say much to the Government of India, but I have much to say to His Majesty's Government who are the real arbiters of the fate of Indians. His Majesty's Government poses in the world as champions of down-trodden people, of democracy, of rights of individuals, as against the totalitarianism of the Axis Powers, but when it comes to action I find very little difference between the imperialist white monopoly of His Majesty's Government and the Hitlerian, Nazi Germany. There are no rights for black races. We are not asking for any alms of benevolence : we demand justice and equality. We form a very important part of these Colonies. Indians form about 33 per cent. of the population. Is that population to be denied all rights ? Does it not deserve in the democratic world a place in the Government of the country ? We are not given an Agent and when we ask that an Agent should be appointed the Government of India accepted the Resolution in 1937 and have today again accepted it. But what is the good of accepting our Resolutions if His Majesty's Government is not willing to honour them ? Do His Majesty's Government realise that they are giving a handle to Japan for carrying on their East Asia Co-prosperity propaganda by denying to Indians in their Colonies their inherent rights ? If they cannot do anything in self-governing countries like South Africa, what is the defence of His Majesty's Government for those Colonies like Trinidad which are not self-governing ? It is practically in the hands of the Colonial Office. We have no grouse against the Trinidad Government. It is the Colonial Office which is standing in the way—the Colonial Office, which is part and parcel of His Majesty's Government, which asks us to fight for freedom. Is this the freedom we are asked to fight for—that our people should be denied their inherent rights, the rights to which every individual is entitled ? I have no grouse against the Government of India. I know the weakness of my own Government. It suffers from the fact that it has not got popular support behind it. I appreciate whatever it has done. But the main culprit is His Majesty's Government, and I want that it should come out boldly and tell us who is the villain of the piece.

Sir, I support the Resolution.

THE HONOURABLE MR. G. S. BOZMAN (Secretary for Indians Overseas) : Sir, I had not intended to add anything to what I have already said, but my Honourable friend Pandit Kunzru did ask two specific questions to which unfortunately I can give no satisfactory answer. He asked, first, when we were going to get a reply on this matter one way or the other ? I am not able to tell him when we are going to get a reply. I can only assure him that we have been urgent in this matter. We have represented to His Majesty's Government that this is a matter upon which Indian opinion is strong. And if he does not accept my statement that it is one of the subjects on which Government feels as keenly as members of this House, I can only reiterate that in my opinion my statement is correct.

The Honourable Member asked also whether we have been able to find out whether the unpublished recommendations contained reference to this particular matter. We have not been able to find out : unpublished recommendations will not be published by His Majesty's Government, and there is no prospect whatever of finding out the points to which they refer.

Otherwise I should not have spoken. I repeat that Government accept the Resolution.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Was any reference made to His Majesty's Government on this point?

THE HONOURABLE MR. G. S. BOZMAN: I am not prepared to say exactly what the reference was.

THE HONOURABLE MR. P. N. SAPRU: Mr. Chairman, I am glad, Sir, that I have had good support for this Resolution today. I knew that the Honourable Mr. Bozman would accept the Resolution, because it was accepted in 1937. What I wanted to know exactly was whether we were going to have an Agent now, in 1943. Why has there been this delay of six years? The Resolution was passed in 1937. It is 1943 now, and three or four times the question has come up before this House. Who has been objecting to the appointment of an Agent? Obviously it is His Majesty's Government. The Government of India is committed to an Agent, but it cannot force an Agent upon Trinidad or British Guiana unless His Majesty's Government agree. His Majesty's Government object to such an appointment, because they are not interested in what happens to the Indian nationals in Trinidad or British Guiana or other parts of the British Empire.

These two Colonies are under the direct administration of the British Colonial Office. Mr. Amery pretended to be extremely constitutional in regard to South Africa. He said, "This is a matter on which the two Governments must negotiate, and I am not prepared to interfere". But here, he and the Colonial Secretary are directly responsible for the administration of the Colonial Empire, and what are they doing to protect the interests of the Indians in that Empire? That Empire is under the direct control of Britain.

Sir, so far as the objections to the duties that an Agent would have to discharge are concerned, they were effectively disposed of by Mr. Tyson in the excellent Memorandum which was submitted by him to the Royal Commission on the West Indies. In paragraph 63 he pointed out:—

"The Government of India are fully conscious that the final responsibility for the protection of Indians resident in the Colonies rests with the Secretary of State for the Colonies acting on behalf of His Majesty's Government in the United Kingdom: the Government of India recognise this and have never challenged the position. They recognise"—and I want to emphasise the words:—

"in particular that these Indian communities must look to the Government of the Colony concerned for their remedy in any matter in which they consider they have a grievance and they desire to assist and not to hinder the growth of loyalty to the Government of the Colony amongst the Indians resident therein. The Government of India's Agent would be instructed to conduct the affairs of his office in accordance with these principles. The Agent's precise duties in any Colony and the limits within which he should restrict his activities are matters for arrangement between the authorities responsible for government in India and those responsible for the government of the Colonies. It would not ordinarily be any part of his duty to make formal and official representations to the Colonial Administration on the merits of any particular question,—though it might be a convenience, of which the Colonial authorities might be glad to avail themselves, to have his opinion unofficially on the matters which from time to time arise affecting the Indians of the Colony: but such official representations as the Government of India might desire to make—and they would probably be the fewer for the closer touch and the better understanding resulting from the Agent's presence—would continue to be made, as at present, to His Majesty's Government through the usual channels. Nor would the Agent function as a channel between the local Indian community and the Government of India: indeed he would be expected and instructed to inculcate in local Indian leaders the constitutional principle that they should address their representations to the Governor or through the Governor to the Secretary of State for the Colonies. The Agent's post would rather be one of a friendly adviser both to the Indian community and, when so desired, to the Departments of the Colonial Administration."

The functions and the responsibilities of the Agent could not have been described in better language than they have been described by Mr. Tyson in the evidence which he gave before the Royal Commission on the West Indies.

Now, Sir, I ask, in fairness, what is the objection of His Majesty's Government? So far as the Government of British Guiana and the Government of Trinidad are concerned, they are merely subordinate Governments. What is the objection of His Majesty's Government to the appointment of an Agent?

Sir, a point was raised about the recommendation of the Royal Commission in regard to an Agent. When I went through the major recommendations of the Royal Commission, which have been published only in summary form, I found only this sentence, and I do not exactly know what interpretation to put upon it:—

"In order to ensure substantial equality in the consideration of the problem of East Indians, we recommend that some officer or officers, preferably members of the Labour Department, should

[Mr. P. N. Saprú.]

specialise the East Indian question, and, if suitable candidates are forthcoming, should be East Indians".

Obviously—this is important—it does not contemplate an Agent appointed by the Indian Government; it contemplates some kind of a Protector of Indian Labour, selected from East Indians resident in the Colony concerned. That is the interpretation that I put upon it. I may be wrong. It strikes me that this is hardly a suggestion which will meet with the requirements of Indians in British Guiana and Trinidad. So far as the recommendations of the Moyne Commission on Education are concerned, I am glad that the Honourable Mr. Bozman mentioned that they have condemned the present system of education and they want the State to recognise its responsibility towards education. The important point for us to remember is that His Majesty's Government propose to give for a period of ten years a sum of £5 millions for the raising of the standards, housing, sanitation, education, labour conditions, etc., in their Colonial Empire and it is essential that we should get some share in this grant. It is essential that some part of this grant should be spent on the welfare of our nationals also. For that purpose it is absolutely essential that we should have some authority representing our Government on the spot to watch developments and to keep us in touch with developments in the Colonies concerned. I hope, Sir, that the Government of India will take up immediately with His Majesty's Government the question of the appointment of an Agent in the two Colonies mentioned in the Resolution. I know that His Majesty's Government are not interested in this country. Certainly Mr. Amery has given the impression that he does not care this much for Indian opinion. But I hope that at least in this small matter he will do something. We cannot expect him to do anything for us in regard to South Africa or other Dominions. But in this matter at least which affects a Colony which is under the direct administration of the Crown, the constitutional development of which has not reached the stage of responsible Government or Dominion status, I hope he will do something to satisfy Indian sentiment. I hope, Sir, that a strong representation will be made by the Honourable Mr. Bozman and that in that representation he will faithfully reflect the sentiments of the Indian people in regard to this question. As the Resolution has been accepted, I have nothing more to say.

THE HONOURABLE THE CHAIRMAN (the Honourable Sir Deavid Devadoss) :
Resolution moved :—

"This Council recommends to the Governor General in Council to represent to His Majesty's Government that an Agent to the Government of India be appointed in British Guiana and Trinidad to watch Indian interests."

Question put and Motion adopted.

The Council then adjourned till Eleven of the Clock on Friday, the 6th August, 1943.

COUNCIL OF STATE

Friday, 6th August, 1943.

The Council met in the Council Chamber of the Council House at Eleven of the Clock, the Honourable the President in the Chair.

QUESTIONS AND ANSWERS.

FOODSTUFFS PURCHASED FROM PROVINCIAL GOVERNMENTS.

105. THE HONOURABLE PT. H. N. KUNZRU : (a) Are there any Provincial Governments which have sold foodstuffs to the Government of India or to other Provincial Governments at higher prices than those at which they purchased the foodstuffs ? If so, which Provincial Governments have done so ? What are the foodgrains in respect of which they have earned a profit and what is the total amount of profit ?

(b) What steps have Government taken to put a stop to the practice of making profits by Provincial Governments in these transactions ?

MAJOR-GENERAL THE HONOURABLE E. WOOD : (a) Yes ; Sind, in respect of wheat and rice. Exact information is not available of the total marginal excess that has so far accrued to the Provincial Government.

(b) The matter is under correspondence with the Sind Government.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Can the Honourable Member tell me what is approximately the profit earned by the Sind Government ?

MAJOR-GENERAL THE HONOURABLE E. WOOD : Since the basic plan commenced about the middle of April it will be in the region of a crore and a crore and a half rupees.

THE HONOURABLE MR. N. K. DAS : Is it a fact that a certain individual supposed to be acting on behalf of the Bengal Government had been buying rice at Rs. 15 a maund in the States in Orissa and has been selling it to the Bengal Government at Rs. 30 to Rs. 35 per maund ?

MAJOR-GENERAL THE HONOURABLE E. WOOD : I have no information, Sir.

THE HONOURABLE MR. N. K. DAS : Will the Honourable Member care to enquire into it ?

MAJOR-GENERAL THE HONOURABLE E. WOOD : We know generally of these allegations. If the allegation is that the Bengal Government through its authorised representative is buying foodgrains in one province and selling it at another price in its own province, the allegation is true.

HOME SECRETARY'S PROMISE TO WRITE TO PROVINCIAL GOVERNMENTS ABOUT PERMITTING NON-OFFICIAL VISITORS TO SEE SECURITY PRISONERS.

106. THE HONOURABLE PT. H. N. KUNZRU : With reference to the undertaking given by the Home Secretary during the debate on the Resolution relating to the appointment of members of Indian Legislature as non-official visitors to jails on the 30th March, 1943, that he would write to the Provincial Governments that non-official visitors to jails should be allowed to visit Congress security prisoners, have provincial Governments been addressed on the subject ? If so, what are the replies that have been received from them ?

THE HONOURABLE MR. E. CONRAN-SMITH : Yes. The replies from Provincial Governments show that non-official jail visitors are permitted to visit Congress security prisoners in all provinces.

VISITS OF NON-OFFICIAL VISITORS TO JAILS IN WHICH SECURITY PRISONERS ARE DETAINED IN THE CHIEF COMMISSIONERS' AND OTHER PROVINCES.

107. THE HONOURABLE PT. H. N. KUNZRU : (a) Have the jails, camps and other places in the territories administered directly under the authority of the Government of India where security prisoners arrested under the orders of the Government of India since August last are detained, been visited by non-official visitors to jails ? Is any of these visitors a member of the Central Legislature ? If so, what is his name ?

(b) Will Government state what is the total number of security prisoners arrested under the orders of the Government of India since August last in each province ? Have such prisoners been allowed to be visited by provincial non-official

visitors to jails ? If not, what is the reason for treating them differently from such prisoners in the territories referred to above ?

THE HONOURABLE MR. E. CONRAN-SMITH : (a) Although there is nothing in the rules to prevent non-official jail visitors in Chief Commissioners' Provinces from visiting Security prisoners detained in connection with the Congress movement, to whom I presume the Honourable Member refers, I understand that in fact the only such visit made was in Ajmer where security prisoners, including Congress security prisoners, were visited by a non-official visitor on 7th October last. Only one member of the Visiting Boards of the Jails in Chief Commissioners Provinces is a member of the Central Legislature, namely, Rai Bahadur Bhagh Chand Soni of Ajmer.

(b) Only one person has been arrested and detained under the orders of the Government of India since August, 1942. This figure does not, however, include certain persons detained for military reasons connected with the defence of India's Eastern Frontier. Nor does it include certain persons such as Mr. Gandhi and the members of the Congress Working Committee who are detained under provincial orders issued at the instance of the Central Government. The one security prisoner referred to is detained in Bengal and I have no reason to believe that he has been refused visits by non-official jail visitors, though I have no definite information on this point.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Are Mahatma Gandhi and the members of the Congress Working Committee who were arrested at the instance of the Government of India regarded as prisoners arrested under the orders of the Government of India or under the orders of the Provincial Government ?

THE HONOURABLE MR. E. CONRAN-SMITH : I think I made the position quite plain, Sir. They were detained under provincial orders issued at the instance of the Central Government.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : And still they are regarded only as prisoners who are to conform to the rules made by the Government of Bombay ?

THE HONOURABLE MR. E. CONRAN-SMITH : The Honourable Member is, I think, aware that special arrangements have been made for the particular security prisoners he mentioned.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Am I to understand that these special arrangements have been made at the instance of the Government of India ?

THE HONOURABLE MR. E. CONRAN-SMITH : That I think, follows from what I have said.

RECEIPT OF NEWSPAPERS AND BOOKS AND THE WRITING OF LETTERS BY SECURITY PRISONERS.

108. **THE HONOURABLE PT. H. N. KUNZRU :** (a) Are newspapers and books allowed to be received by security prisoners detained since August last in the United Provinces ?

(b) Are such prisoners allowed to write letters to their relations on purely personal and domestic matters ? If not, why are they treated differently from security prisoners detained in the Chief Commissioners' Provinces ?

THE HONOURABLE MR. E. CONRAN-SMITH : (a) Yes.

(b) Yes. The second part of the question does not arise.

ALLOWANCES FOR MAINTENANCE OF FAMILIES OF SECURITY PRISONERS.

109. **THE HONOURABLE PT. H. N. KUNZRU :** (a) What are the rules made by the Central and Provincial Governments regarding the maintenance of families of security prisoners arrested since August last in cases where maintenance allowances are required ?

(b) What is the total number of families of such prisoners receiving maintenance allowances in the Chief Commissioners' provinces and in each of the provinces ?

(c) Are Government aware of the complaints that have been made from time to time that although families whose bread winners have been arrested have in many cases been reduced to destitution they are receiving very little or no financial help from Government ? Do Government propose to grant maintenance allowances to families that are in distress ?

THE HONOURABLE MR. E. CONRAN-SMITH : (a) The Central Government have made no rules regarding the grant of maintenance allowances to families of security prisoners. I cannot say whether Provincial Governments have made such rules. Government did, however, in January, 1942, lay down a principle in this matter, which they have since applied to Central Government security prisoners and which they asked Provincial Governments to accept. That principle is that an allowance should be granted to the family of a security prisoner when the circumstances of the family render it necessary or when it can be established that the detention of the person in question has deprived the family of a legitimate source of income. This principle is somewhat more strictly interpreted in respect of Congress security prisoners.

(b) Allowances have been granted to the families of six persons detained in the Chief Commissioners' Provinces. I have no detailed information in the case of other provinces, but I understand that somewhere in the neighbourhood of 840 allowances are being paid to the families of security prisoners, though the latter may not all be families of persons arrested since last August.

(c) Government are satisfied that the general principle laid down, to which I have referred above, is sufficiently generous and they have recently addressed Provincial Governments urging *inter alia* that this principle should be uniformly observed.

INTERVIEWS WITH THEIR FAMILIES BY SECURITY PRISONERS.

110. THE HONOURABLE PT. H. N. KUNZRU : What are the provinces in which security prisoners are allowed interviews with members of their families or other persons ?

THE HONOURABLE MR. E. CONRAN-SMITH : I cannot in reply to this question enter into details of the practice in provinces, which is a matter for Provincial Governments. The position with regard to ordinary security prisoners in Chief Commissioners' Provinces is that Class I are allowed two interviews per month and Class II one interview per month ; and we have recently addressed provinces urging that this rate should be adopted as standard throughout. As regards Congress security prisoners, we have in the Chief Commissioners' Provinces recently relaxed the rule which forbade them to have interviews and all such prisoners will now be allowed one interview per month, with members of their families on personal matters.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : May I take it, Sir, that the Government of India have asked Provincial Governments to follow their example as far as possible ?

THE HONOURABLE MR. E. CONRAN-SMITH : I stated in my answer that we had done so as regards ordinary security prisoners. We have also informed Provincial Governments of the practice we intend to follow at the Centre in regard to Congress security prisoners and expressed the hope that it may be found possible for them to adopt a similar practice. I must, however, make it clear that it must be left to Provincial Governments to follow the principle which local conditions may render desirable.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Does the Honourable Member know whether there are any provinces where the example set by the Government of India in respect of interviews with security prisoners has been followed ?

THE HONOURABLE MR. E. CONRAN-SMITH : Yes, Sir.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Which are those provinces ?

THE HONOURABLE MR. E. CONRAN-SMITH : I am afraid I cannot give their names off-hand.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : My question relates to them. I asked "what are the provinces in which security prisoners are allowed interviews....?" I therefore have a right to complain when the Honourable Member says that he cannot off-hand give the information I have asked for.

THE HONOURABLE MR. E. CONRAN-SMITH : I stated at the beginning of my reply "I cannot, in reply to this question, enter into details of the practice in provinces, which is a matter for Provincial Governments."

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : I do not want the details of the practice but I want to know in which provinces the hope of the Government of India that the Provincial Governments would conform to the standard set by them has been realised. I do not want to know the exact rules framed by the Provincial Governments on the subject. All that I want to know is which are those provinces in which interviews are allowed to Congress security prisoners as the Government of India wants.

THE HONOURABLE MR. E. CONRAN-SMITH : I am afraid I cannot give the information required by the Honourable Member.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Will the Honourable Member let me have it later ?

THE HONOURABLE MR. E. CONRAN-SMITH : I shall consider his request, Sir.

STATEMENTS, ETC., LAID ON THE TABLE.

THE HONOURABLE MR. E. CONRAN-SMITH (Home Secretary) : Sir, I lay on the table a Declaration of Exemption No. 1/16/43-Political (E.), dated the 28th July, 1943.

Declaration of Exemption.

No. 1/16/43-Political (E.), dated the 28th July, 1943.—In exercise of the powers conferred by section 6 of the Registration of Foreigners Act, 1939 (XVI of 1939), the Central Government is pleased to declare that the provisions of the Registration of Foreigners Rules, 1939, except rule 8 and such of the provisions of rules 4, 14, 15 and 16 as apply to, or in relation to, passengers and visitors who are not foreigners, shall not apply to or in relation to, Mr. Charles Pope, an employee of the United States Office of War Information at Bombay, so long as he continues to be so employed.

STANDING COMMITTEE ON EMIGRATION.

THE HONOURABLE THE PRESIDENT : With reference to the announcement made on the 5th August, 1943, regarding nomination to the Standing Committee on Emigration, I have to announce that the Honourable Sir David Devadoss has been nominated to it.

As there is only one candidate for one seat I declare him duly elected.

INDIAN BOILERS (AMENDMENT) BILL.

THE HONOURABLE MR. H. TUFNELL-BARRETT (Labour Secretary) : Sir, I beg to move :—

“That the Bill further to amend the Indian Boilers Act, 1923, as passed by the Legislative Assembly, be taken into consideration”.

Sir, the purpose of this Bill is to provide a further safeguard against accidents to boilers and the occasion for it is explained in the Statement of Objects and Reasons.

Sir, I move.

The Motion was adopted.

Clause 2 was added to the Bill.

Clause 3 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. H. TUFNELL-BARRETT : Sir, I move :—

“That the Bill, as passed by the Legislative Assembly, be passed.”

The motion was adopted.

MINES MATERNITY BENEFIT (AMENDMENT) BILL.

THE HONOURABLE MR. H. TUFNELL-BARRETT (Labour Secretary) : Sir, I beg to move :—

“That the Bill to amend the Mines Maternity Benefit Act, 1941, as passed by the Legislative Assembly, be taken into consideration”.

Sir, this is a very short Bill and its purpose is clearly explained in the Statement of Objects and Reasons. That purpose is to make it clear that a woman with child is entitled to receive maternity benefit for every day during the four weeks preceding and including the date of her delivery except days on which she attends work and receives wages.

Sir, I move.

The Motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill

THE HONOURABLE MR. H. TUFNELL-BARRETT : Sir, I move :—

“That the Bill, as passed by the Legislative Assembly, be passed.”

THE HONOURABLE MR. P. N. SAPRU : Sir, before you put the question I should just like to ask what exactly is the meaning of this clause :—

“Provided that no such payment shall be made for any day on which she attends work and receives payment therefor during the four weeks preceding her delivery”.

I have not been able to understand exactly the significance of this.

THE HONOURABLE MR. H. TUFNELL-BARRETT : She will not receive any maternity benefit for the days for which she gets wages from the employer.

THE HONOURABLE MR. P. N. SAPRU : What is the principle behind this ? Why should she not get maternity benefit for those days.

THE HONOURABLE MR. H. TUFNELL-BARRETT : Maternity benefit is compensation for loss of wages.

Question put and Motion adopted.

MOTOR VEHICLES (DRIVERS) AMENDMENT BILL.

THE HONOURABLE MR. H. TUFNELL-BARRETT (Labour Secretary) : Sir, I beg to move :—

“That the Bill to amend the Motor Vehicles (Drivers) Ordinance, 1942, as passed by the Legislative Assembly, be taken into consideration.”

Sir, the purpose of this Bill is to ensure that drivers of motor vehicles whose services are requisitioned under the Motor Vehicles (Drivers) Ordinance, 1942, can return to their former employment on completion of their service. The Bill also seeks to safeguard the position of a driver whose employer attempts to evade the obligation to reinstate the driver by dismissing him when he hears that the driver's services are likely to be requisitioned by Government. The Bill follows generally the provisions of other enactments dealing with the employment of persons in the national service.

Sir, I move.

The Motion was adopted.

Clause 2 was added to the Bill.

Clause 3 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. H. TUFNELL-BARRETT : Sir, I move :—

“That the Bill, as passed by the Legislative Assembly, be passed.”

The Motion was adopted.

AGRICULTURAL PRODUCE (GRADING AND MARKING) AMENDMENT BILL.

THE HONOURABLE SIR JOGENDRA SINGH (Education, Health and Lands Member) : Sir, I move :—

“That the Bill further to amend the Agricultural Produce (Grading and Marking) Act, 1937, as passed by the Legislative Assembly, be taken into consideration.”

The Motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE SIR JOGENDRA SINGH : Sir, I move :—

“That the Bill, as passed by the Legislative Assembly, be passed.”

The Motion was adopted.

INDIAN ARMY AND INDIAN AIR FORCE (AMENDMENT) BILL.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : Sir, I move :—

“That the Bill further to amend the Indian Army Act, 1911, and the Indian Air Force Act, 1932, as passed by the Legislative Assembly, be taken into consideration.”

Sir, this is a Bill further to amend the Indian Army and Indian Air Force Acts in certain respects for the purposes set out in the Statement of Objects and Reasons. Under the existing provisions of the Indian Army Act, no penal deduction may be

[His Excellency the Commander-in-Chief.]

made from the pay of an officer to make good compensation for expenses, loss or destruction occasioned by an offence, unless the offender has been tried and convicted by Court-martial. And it is only the Court-martial which is empowered to assess the sum payable.

The result is that if it is desired to deal with the officer summarily and not by Court-martial, no such deduction can be made. Clause 2 of the Bill extends the power to order such a penal deduction to authorities dealing summarily with offences and clause 6 effects a similar change in the provisions of the Indian Air Force Act. Corresponding amendments have already been made in the English Acts.

Under section 86 of the Indian Army Act, it is possible for a person charged only with attempting to desert to be found guilty of the offence of desertion. Legally this is an anomaly. Clause 3 removes the anomaly and clause 7 does the same for the corresponding provision in section 91 of the Indian Air Force Act. The English Acts have already been amended in the same sense.

Section 103 of the Indian Army Act already provides that the commuting authority in Court-martial cases may substitute a valid for an invalid sentence. The sentence is of course based on the finding, but there was no corresponding provision for the alteration of an invalid finding. The omission has now been remedied by clause 4, while clause 8 repairs the same omission in section 108 of the Indian Air Force Act.

Sections 114 and 115 of the Indian Army Act deal with the disposal of property of deceased persons. Section 116 extends the provisions of section 114 to cases of lunatics and persons missing on active service. It is desirable that the provisions of section 115 also should be extended to these two classes of persons. Clause 5 makes the necessary amendment in the Indian Army Act, while clause 10 effects a similar change in the Indian Air Force Act.

Section 116 of the Indian Air Force Act provides for the communication of orders setting aside or varying any sentence, order or warrant, to the officer in charge of the civil prison in which the person is confined.

The Indian Army and Air Force (Military Prisons and Detention Barracks) Act, 1943 (Act XIV of 1943) has made confinement in military or air force prisons possible. The provisions of section 116 of the Indian Air Force Act for communication of revised orders to the jail authorities need extension so as to include military and air force prisons. This was unfortunately overlooked when the Indian Army and Air Force (Military Prisons and Detention Barracks) Act, 1943, was in passage through the Legislature. Clause 9 rectifies this omission.

Sir, I move.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : (United Provinces Northern : Non-Muhammadan) : Mr. President, the changes that the Bill before us will make in the Indian Army and the Indian Air Force Acts follow the provisions of the Army and the Air Force Acts of England. Generally speaking, they seem to me to be on the right lines ; and I am particularly glad to find that the defect which I pointed out during the last session in respect of the wording of section 116 of the Indian Air Force Act has been rectified. I should, however, like to ask His Excellency the Commander-in-Chief a question or two with regard to the new sections which it is proposed to substitute for section 103 of the Indian Army Act and Section 108 of the Indian Air Force Act. It is provided in this section that where the authority which would have had power to commute a punishment passed on anyone governed by the Indian Army Act by a Court-martial in accordance with a valid finding considers a finding invalid, he may substitute for it such finding as appears to him to be correct and would have been accepted as correct by the Court-martial also in his opinion. This seems to me to be proceeding on an objectionable principle. So far as I know, no executive authority can take similar action in the case of decisions of civil courts. The decisions of civil courts are appealable to High Courts, and any injustice that may have been done to any accused can be rectified only in appeal. Here, however, the sentence will be revised, not by another Court-martial, but by the authority which would have had the power under section 103 of the Indian Army Act and section 108 of the Indian Air Force Act to commute

a punishment awarded by the Court-martial had the finding been valid. I hope, Sir, His Excellency the Commander-in-Chief will be able to give us some valid reason for the manner in which Government propose to proceed. It seems to me, proceeding on the analogy of what happens in connection with the civil questions that go before the law courts, that if the higher authorities consider the finding of a Court-martial to be invalid, they should appoint another Court-martial and charge the accused with the offence which they regard as valid and as fully justified by the evidence before them. The procedure laid down here seems to me to be inappropriate and contrary to ordinary conceptions of how the accused in any case should be treated. In short, my contention is that while the judgment of one Court-martial might be substituted for the judgment of another Court-martial, there is no reason why the judgment of an executive military officer should be substituted for that of a Court-martial.

*THE HONOURABLE MR. P. N. SAPRU: (United Provinces Southern: Non-Muhammadan): Sir, I have no objection to the Bill except to clauses 4 and 8 and I think they require a little explanation and as they stand I feel that I cannot support them. I should like to have an explanation in order to make up my mind finally in regard to these clauses. Sir, the principle of clause 4 appears to be objectionable from this point of view. The executive military authority has under that clause been given the power of revising or reviewing the decision of a Court-martial. Shortly stated, this is the purport and meaning of clause 4. As was pointed out by Dr. Kunzru, so far as municipal courts are concerned, the executive Government has no power of revising or reviewing their decisions. If a municipal court goes wrong, then there is an appeal to a superior tribunal. The matter can be revised either by the High Court or by the Sessions Judge or by the Privy Council even in some cases, to whichever court the appeal, revision or review might lie. Here the revising authority will be the military authorities. As far as I have been able to understand, a Court-martial is intended to serve the purpose of a military tribunal for the trial of certain military offences. Therefore, a *quasi-judicial* tribunal has been made subordinate to executive authority. I should like to be enlightened on the reasons for this change by His Excellency the Commander-in-Chief.

The principle embodied in clause 8 is the same as the principle embodied in clause 4. It contemplates a case where the executive authority substitutes a valid finding or sentence for an invalid finding or sentence. It strikes me that there is force in the observations of Dr. Kunzru that the judgment of one Court-martial should be revised only by the judgment of another Court-martial. What happens where a Judge differs from a jury? In that case, the Judge says, "I do not accept your finding" and a new jury is selected and that jury tries the case. That is what happens in cases which are tried under the municipal law. I should like to know what exactly are the reasons which have influenced His Excellency the Commander-in-Chief to suggest a change in the procedure which we are accustomed to in municipal law. This is about all that I have got to say in regard to this Bill.

THE HONOURABLE THE PRESIDENT: May I ask His Excellency the Commander-in-Chief if there are similar provisions in the English law?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: Yes, I believe so. There is no new question of principle involved in this clause because the Indian Army Act already provides that the authority empowered to commute sentences passed by a Court-martial may substitute a valid for an invalid sentence. That provision already exists in the Act. The Bill merely seeks to remove an anomaly which is that where a sentence is based upon a finding, it seeks to give the authority power for substituting a valid for an invalid finding. That is the only principle involved here.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: I have not been able to follow His Excellency. What is the present law?

THE HONOURABLE MR. SHAVAX A. LAL (Nominated Non-official): Shall I read out the present section 103? It runs:—

"Where a sentence passed by a Court-martial which has been confirmed, or which does not require confirmation, is found for any reason to be invalid, the authority who would have had power under section 112 to commute the punishment awarded by the sentence if it had been valid may pass a valid sentence:

Provided that the punishment awarded by the sentence so passed shall not be higher in the scale of punishments than, or in excess of the punishment awarded by the invalid sentence."

*Not corrected by the Honourable Member.

[Mr. Shavax A. Lal.]

So, even the existing law provides that the commuting authority may substitute a valid sentence for an invalid sentence, and all that is now sought to be done is to entitle the revising authority or the commuting authority to substitute a valid finding for an invalid finding. It merely fills a lacuna. No new question of principle is involved.

THE HONOURABLE RAI BAHADUR SRI NARAIN MAHTHA (Bihar : Non-Muhammadian) : Who decides whether a particular finding is valid or invalid ?

THE HONOURABLE MR. SHAVAX A. LAL : The authority competent to commute a sentence, i.e., the authority named in section 112.

*THE HONOURABLE SAYED MOHAMED PADSHAH SAHIB BAHADUR (Madras : Muhammadian) : Sir, the present law seems to me to be that the sentence may be changed if it is found to be inappropriate. It might be that the Court which awarded the sentence might have exceeded its powers and so the authority which has the power to commute sentences under the present law might alter the sentence in order that it might be within the powers of the Court which awarded that sentence. But this is altogether different from the power which it is now proposed to vest in the authority. Here, the executive authority is given power to alter a finding. That means that if the Court which originally passed the sentence decided that the accused person was guilty of some offence and it has illegally acted or had come to that finding in a wrong manner on evidence which could not support the conviction, then the executive authority is given power to change that offence into another offence and award punishment which would suit the lighter kind of offence which the executive authority substitutes. I find that it is altogether wrong. It is wrong obviously for this reason that the accused has not been given the opportunity to defend himself on the charge under which he is now convicted. He is not given the opportunity to adduce evidence and show cause why he should not be convicted for having offended against this other provision of the Indian Army Act. I therefore feel that in giving this power to alter the finding to the executive authority we will be going against the very basic principles of equity and jurisprudence.

THE HONOURABLE MR. SHAVAX A. LAL : Sir, I am rather surprised to hear the argument of my learned friend, because as I pointed out the power to substitute a valid sentence for an invalid sentence is already there and it is in the interest of the accused himself that the finding should also be substituted. What happens now is that a valid sentence can be substituted for an invalid sentence, but the finding would remain there. That finding may be against the accused. This provision gives power to the commuting authority to substitute a finding for a lesser offence in place of a finding for a major offence at the time of substituting a valid sentence for an invalid sentence. The provision is in the interest of the accused himself and I am rather surprised to see that there is opposition to this provision.

THE HONOURABLE THE PRESIDENT : It is just to remove an anomaly.

THE HONOURABLE MR. SHAVAX A. LAL : That is exactly the object, just to remove the anomaly.

THE HONOURABLE SAYED MOHAMED PADSHAH SAHIB BAHADUR : Then it is necessary to change the law itself. The Court should not have the power.

THE HONOURABLE MR. SHAVAX A. LAL : Sir, my Honourable and learned friend overlooks the fact that this provision is applicable to a Court-martial and not to an ordinary court. Every sentence of a Court-martial is to be confirmed by an executive officer. The whole system is different. We cannot import the principles of the ordinary criminal law in regard to cases of Court-martial.

THE HONOURABLE THE PRESIDENT : Motion moved :—

“ That the Bill further to amend the Indian Army Act, 1911, and the Indian Air Force Act, 1932, as passed by the Legislative Assembly, be taken into consideration.”

The Motion was adopted.

Clause 2 was added to the Bill.

Clauses 3, 4 and 5 were added to the Bill.

Clauses 6, 7 and 8 were added to the Bill.

Clauses 9 and 10 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: Sir, I move :
 "That the Bill, as passed by the Legislative Assembly, be passed."
 The Motion was adopted.

RESOLUTION *RE*. MEAT REQUIREMENTS OF GOVERNMENT.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan): Sir, I am grateful to the Government for having given me this opportunity of moving this Resolution of mine. This is the wording of the Resolution as approved :—

"This Council recommends to the Governor General in Council, firstly, to get all its meat requirements from the U. S. A. and Australia, and, secondly, to import livestock from nearby countries and to supply them to the agriculturists at reduced prices to encourage Grow More Food campaign."

• Sir, the Resolution which I had originally drafted contained a piece of argument and was therefore dropped by the office. But that argument formed the real background of the whole Resolution. The Resolution without that background would be meaningless. My draft was :—

"Whereas the greatly increased consumption of meat by the foreign troops and prisoners of war is adversely affecting the agriculturists' demand for livestock, this Council recommends, etc."

That is the main background of this Resolution.

THE HONOURABLE RAI BAHADUR SRI NARAIN MAHTHA: Why was it dropped?

THE HONOURABLE MR. HOSSAIN IMAM: Because it was an argument and argument could not be included in the Resolution. I do not think that I would be justified in making the blind statement that Government should not take its meat requirements from India and should go outside and get it. The reason why I am making this demand is, that there is a great deal of difficulty in getting livestock for agricultural purposes. One thing must not be forgotten. India is not a pastoral country. Here fattening of cattle is not carried on as a business. Here for religious reasons the slaughter of cattle is looked down upon as some sort of a crime, very obnoxious to the majority population, with the result that surplus stock unfit for cultivation and causing a drain on the limited food supply of the cattle does exist. It was for this reason that economists, even Hindu economists like Professor R. K. Mukherjee, have advocated that there should not be any restriction on slaughter of uneconomic cattle. I do not wish to embark on that controversial subject but I do wish to stress the fact that there is a great deal of difference between cattle which is slaughtered in peacetime and cattle which is being slaughtered for the army and prisoners of war. As is well known to the House the meat-eaters are the poorest people among the Musalmans. They go in for a cheap variety the average price for which in the country side is not more than Rs. 2-8-0 to Rs. 3 per maund; at least before the war. Up to 1936-37 that used to be the price. Surplus stock which was no longer of service for agricultural purposes used to find its way to the slaughter house. I am grateful to His Excellency the Commander-in-Chief for having given me the information in reply to one of my questions that the price paid by the army in the last pre-war era was Rs. 7-4-6 per maund. I do not know the present price. I have no definite information from the Government, because the reply to one of my questions involved so much inquiry and so much collection that His Excellency could not give me the reply. I cannot give the authoritative figure of the present price; but as far as I am aware the present price is nearly three times or a little above three times that of the former price. It is Rs. 20 to Rs. 30 a maund for beef. This price will take away the best cattle that we have and it is very difficult for agriculturists to find their necessary livestock. The House may be aware that the other day in the Assembly in reply to question a statement was made by the Government that there is no general dearth of livestock, but in Eastern United Provinces there is some trouble. My personal information, Sir, is that in South Bihar too we are suffering from an acute shortage of livestock and this is also true for part of Northern Chhota Nagpur Division. All the areas in which any large number of troops are stationed are feeling its pinch. I have, Sir, for these reasons brought forward this Resolution, not in order to support the sister nation's contention that there should be no slaughter, nor to force the Government to give up a thing which they find easy enough. I have brought it because I have felt that it will be really making the position of Grow More Food campaign absolutely impossible. You cannot grow more food unless you have cattle

[Mr. Hossain Imam.]

to do it. The fact that the milk price has gone up sky high cannot be forgotten. Our children cannot be brought up on the present price level for milk.

Then, Sir, it is a well-known secret that pure ghee is not available. You might say whatever you like, I doubt, rather on very different grounds, whether even the Agmark ghee productions are cent. per cent. pure. Ghee is rather difficult to find nowadays. The practice of mixing it up with banaspati has become so common that even in villages it is difficult to get pure ghee due to the effect of the dearth of milk and that is again brought about by indiscriminate slaughter of the best animals for the army. By giving high prices they are encroaching on our preserves. I may remind the House, Sir, that the number of cattle slaughtered at the moment is nearly five times its pre-war figure. I cannot give the pre-war figure. His Excellency gave us the weight of beef consumed before the war and the number of cattle slaughtered during the last year. The number for last year was 2,76,000 heads. This is the estimated number, not the exact number because figures could not be got quite accurately. The price, as I have stated, Sir, has increased about three times; so that you have to multiply the total expense fifteen times. This may seem to be a small number compared with the cattle population of India, but, as I stated in the beginning, a large stock of ours is uneconomic and useless, which is only kept for religious reasons. I may say, Sir, that this demand of mine that meat may be imported from outside countries, from America and Australia, is not something which is impracticable. If Government would care to give us facts and figures I would prove that any number of useless things are being imported for the American Army in India: They are living in a lordly manner. Tinned food, crockery and other luxuries are being imported in large amounts.

SOME HONOURABLE MEMBERS : They are guests.

THE HONOURABLE MR. HOSSAIN IMAM : But this will also be for the guests. The amount of meat which they will get from the American packers will be much better, much superior, to the lean beef which they can get in India. Also the fact must not be lost sight of that Australia has got a big meat trade. In addition to all this, Sir, the latest development in America of the dehydrating of meat must not be lost sight of. It is now possible, I am told, to pack up a maund of meat in about a five-seer tin—pulverized, dehydrated meat.

Now, Sir, if the Government cannot find it possible to adopt this suggestion of mine I venture to suggest another method of conserving the livestock. I am aware, Sir, that Government have made certain rules that cattle under a certain age should not be slaughtered and certainly milch cow should not be slaughtered, but these orders are not carried out. I make this definite allegation. They are honoured more by breach than by acceptance. I would therefore suggest to the department which is in charge of agriculture, I mean the Education, Health and Lands Department to appoint inspectors to see that the rules laid down by the Government of India are carried out to the letter. It is not necessary to have an army of inspectors. You can have certain big centres where inspectors will stay and they will go out to the minor centres off and on and will see that this order of Government is carried out. The difficulty with the Government is that it is satisfied with making a rule and it does not see whether that rule is being carried out or not.

The next important thing, Sir, in my Resolution is about the import of livestock from nearby countries. Well, that is an item Sir, on which I feel rather strongly. The cattle is not a thing which you can grow in a month or even a few months. It requires a long time and it will not be possible for us to make good the ravages which have already been done except by importing some cattle from nearby countries. I therefore have purposely stated, Sir, "nearby countries". You can import, say, from Nepal, from Afghanistan, from Persia. These countries will not involve great difficulties. I do not know how far there is truth in the statement that Japanese submarines have been seen in the Arabian Sea too and that there have been some shipping losses in the Arabian Sea but I do feel that even if there have been some incursions there, they are not such as to make it impossible for us to import livestock from other nearby countries. India is at the moment, Sir, exporting many things to nearby countries in order to meet their requirements. I think those countries will not grudge if a few heads of cattle are imported from some of them. Because of its peculiar position India is in a position to supply the needs of almost all the countries roundabout

India. Of course, you cannot do anything in the East because the Japanese are there but in the West we have been benefactors and I do not think that they will place obstacles in the way if the Government were to import livestock from those countries.

Further, I should like to suggest that from those places, even in India, where livestock are obtainable the deficit provinces may be supplied :

12 NOON.

for instance, from Sind, from the Punjab, and so on. If you can send us a few head of cattle and sell them at cheap prices, that would go some way towards solving our difficulty. By cheap I do not mean that the price should be dirt cheap : I mean cheap as compared with the present prevailing prices. It may be above the peacetime price, but it should be below the present inflated price.

- Sir, I have, I think, made my position very clear, that it is not my intention either to embarrass the Government or in any way to force them to do things which it is impossible for them to do. But I do wish that the Defence Department would investigate the possibility of importing frozen meat or dehydrated meat, whichever is possible, and that the Education, Health and Lands Department would see that the orders of Government are carried out and some convenience is placed in the way of the Grow More Food campaign to give livestock at cheaper prices in places where there is a dearth of livestock.

Sir, I move.

THE HONOURABLE RAI BAHADUR SRI NARAIN MAHTHA (Bihar : Non-Muhammadan) : Mr. President, I wish to extend my support to the Resolution moved by my Honourable friend Mr. Hossain Imam. On the last occasion, when I was discussing the Finance Bill, I brought up this question, and I referred particularly to buffaloes, cows and bullocks that were being taken away from Bihar to Assam, Calcutta and Ranchi. I mentioned then that in Bihar, in the town from where I come, Government had established a ghee-grading and ghee-boiling station for the whole of India. I said also that I had definite information, which I had taken care to get corroborated by the official authorities in Bihar, that a good number of buffaloes and bullocks were being taken away to Calcutta and Assam and Ranchi. I think I also said that the prices that were being paid at that time were on the basis of Rs. 30 per seer of milk that the buffalo or the cow was giving. When it was found unprofitable for the time being to maintain a cow or buffalo on account of shortage of fodder, as soon as such animals became dry they were used by army authorities for meat purposes. This was evident as the dry cattle were not coming back and I feared that it would be found that actually even in Bihar, which is the chief buffalo-producing tract in India, there would be no ghee available after a short while. I have not got the debate proceedings before me but as far as I can recollect, General Hartley, when he rose to speak, referring to my point, said that he had taken note of what I said, and that he would be willing and glad to make inquiries with a view to do something that may improve the situation and result in preventing the draining off of cattle on such a large scale. I do not know what has been the result of that inquiry, or how far this drain has been checked. It is not possible for me to hope that cattle slaughter will stop altogether. While men are killing men, so long, or even longer we will go on killing cattle. It is no use basing arguments, therefore, on religion or any other grounds of sentiment. The problem must be treated purely from the economic point of view. Meat is a human necessity, and people have been having meat, both in the army and outside. But there is certainly a way of doing things which can result in the minimum harm possible. If the cattle are judiciously selected, that is to say, if only those cattle which have lost all value except their meat value, if these only were selected, then I think the harm done to the country would to a great extent have been minimised. But purchases go on in the open market, and very high prices are paid ; and naturally, famished as the country is, and poor as the cultivators are, they just part with their cattle for the ready money that is offered. The price of bullocks has gone up tremendously. I am an agriculturist. I am not a very big agriculturist ; but I have to buy some 20 or 30 pairs of bullocks a year. When I bought these bullocks about three years ago, I had to pay, for a fairly good pair, anywhere between Rs. 75 and Rs. 110. But this year I have been able to buy fewer pairs of bullocks, and I have had to pay per pair as much as Rs. 380 or so. You can well imagine then how difficult

[Rai Bahadur Sri Narain Mahtha.]

it becomes for an ordinary poor agriculturist of smaller means to get the cattle he needs to carry on his agricultural pursuits.

Looked upon in the light of what I have said, the Grow More Food campaign naturally appears to me to be a mockery. I have been intimately associated with this movement in my capacity as one of the leaders of the National War Front, and I claim that have done a lot of propaganda for "Grow More Food". But I have realised more and more that the campaign is more or less a mockery, because to me the simple question appears to be that, if the agriculturist has land, if he has the necessary means, if he has the necessary cattle, if he has the necessary seeds, why will he not grow more food of his own Voluntary accord. I, therefore, ask myself why will he sit idle when he can get a fairly good price for what he grows? There must be something else which prevents him from growing more food. He certainly does not wait for propaganda or for persuasion to get willing to cultivate another acre. Perhaps he has no bullocks; perhaps he has no seed. Unless these deficiencies are made good, it is no use spending money merely over the Grow More Food propaganda. If you spend some money, I do not say give it away in charity, but for the purpose of advancing adequate loans to the agriculturists to enable them to purchase seeds or bullocks made available to them at a reasonable price, only then can you enable the agriculturist to grow more good. That way we can do more than we can possibly hope to do by mere wordy propaganda. Shut down the Grow More Food departments. The agricultural departments are there, use them well and provide the means to grow food.

I should also like here to tell the Government one thing of which I am convinced, namely, that I attach very little credence to the figures supplied regarding agricultural statistics. The figures are generally very misleading. They are miscalculated. It is thought that the acreage under cultivation has gone up tremendously and that the food available is very large. Government should never base their decisions on palpable fiction and should not rely unduly on the assurances given by the Grow More Food campaign officers. They have just tried to justify their own existence. Too much has been made of hoarding to explain away the causes of Scarcity. But, I would ask Government to realise that food is a perishable material and as soon as new wheat or rice comes into the market, the wheat or rice of the previous year or the one preceding it should naturally be sold. These things cannot be hoarded for an innumerable number of years. The hoarders will not hoard them in order to let them perish. They may hoard them for a while just to safeguard against a rainy day for their own family or for the people with whom they are concerned. But they will not hoard them for ever.

I shall now conclude, Sir, by saying that I think that the question raised by the Honourable Mr. Hossain Imam about cattle is a very vital question. I do not know how far it will be feasible to bring cattle from Australia or from the U. S. A. I do not know the shipping position. Anyway, this is a question which, though not in this manner, at least in some manner can certainly be looked after and in my opinion it should receive the best consideration of Government. I think Government should be able to do their best and I hope they will do their best. Unless they do their best to do so and do so effectively I think there will be great disasters in this country. Although it is not happening today, but if some day food riots start, it will be impossible to deal with them. They will be far worse than any kind of disturbance you ever had. I would ask Government to take a long view of the situation. Cattle forms a very important component part of the equipment necessary for agriculture. This country needs food as any other. This question is the principal question to which the Government should devote their attention before nemesis overtakes them.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadian) : Sir, I rise to support the Resolution. I speak purely from the economic point of view and not from the point of view of religion. The House very well knows my views. Hindus and Sikhs are against the slaughter of cows, bullocks and calves. Now, I am not touching the religious aspect here at all. My Honourable friend Mr. Hossain Imam in the course of his speech has said that cattle from the Punjab can be sent to Bihar.

THE HONOURABLE MR. HOSSAIN IMAM : If you have a surplus.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Yes, if we have a surplus. I might tell my Honourable friend that in the Punjab, the value of cattle is determined by the weight of its meat, and if my information is not wrong, that price has risen now to Rs. 35 a maund. Therefore, he will find that it is quite impossible, at the price at which cattle are being purchased now in the Punjab, to export any cattle from this province. Punjab, so far as my information goes, exports cattle to Afghanistan. So, the suggestion that cattle be imported from Afghanistan will never materialise. My Honourable friend says that as far as meat consumption is concerned, the meat or the cattle should be imported. That proposition has my full support. Australia has a big meat export trade and as Government are getting other materials from Australia without much risk, the question of importing meat for India will not face the Government with any shipping difficulty.

The economic situation in the country is growing from bad to worse. My Honourable friend Mr. Hossain Imam has observed that it is very difficult to buy pure ghee. I must say that the situation in the Punjab is still worse. For some years past I have been advocating in this House the necessity for safeguarding pure ghee from admixture. Various measures were contemplated, but so far no measure has succeeded. It is really difficult to get pure ghee now, and in view of the circumstances which now exist, namely, wholesale slaughter of milch cattle, the position is becoming worse. Even for our religious purposes we cannot get pure ghee. It is all right to treat your guests in the best way you can, but when there are facilities available for import from other countries, in order to safeguard the agricultural situation in your own country why should not efforts be made in this direction. We find that in the Punjab, in districts where there was no cattle slaughter, such slaughter has been introduced and good milch cattle are also being slaughtered. This is against the assurance which was given in this House by General Hartley on behalf of Government. But in these days I say with regret that the pledges of the Government are sometimes totally violated and actions are taken which are not in the interests of the country as a whole.

I hope that Government will accept this Resolution and show their practical sympathy with the agriculturist and the masses. I do not want to waste the time of the House any more, but I beseech the Government to accept this Resolution and act in a manner in which the economic situation in the country may not deteriorate further.

With these words, Sir, I support the Resolution.

*THE HONOURABLE MR. P. N. SAPRU (United Provinces Southern : Non-Muhammadian) : Mr. President, the Resolution which the Honourable Mr. Hossain Imam has moved is important both from the point of view of the Grow More Food campaign and of the nutrition of the Indian people. He has pointed out how difficult it is for the agriculturist to get his livestock. He has told us that in Bihar there is a great shortage of livestock which is necessary for agriculture. I think we have the admission of the United Provinces Government that there is a shortage of livestock in Eastern United Provinces also. We have been told by the Leader of the Opposition that milk prices are very high. Sir, only today in the papers I find that the price of milk in the city of Bombay has gone up by about 300 per cent. in the last two years. If you continue the sale of economic cattle further, then the price of cattle will go up further, the shortage of cattle will become even more marked, agriculture will suffer and nutrition of the people will also suffer. If the nutrition of the people suffers, then even the war effort will suffer, because people who have not got a balanced diet will be subject to epidemics and diseases and therefore the question which Mr. Hossain Imam has raised is one which is deserving of the most close attention of the Government.

Sir, it is generally believed that it is the intention of the military authorities and of His Majesty's Government to start the offensive against Burma at as early a date as possible. If the offensive against Burma is started, then obviously a large number of American and British troops will have to be brought into India for the

[Mr. P. N. Sapru.]

purpose of attacking Burma. My Honourable friend Rai Bahadur Lala Ram Saran Das says that there is a rumour that a million troops are coming from America. Even in peace time the number of cattle slaughtered for the purposes of supplying meat for these troops will necessarily have to increase. The Honourable Mr. Hossain Imam has told us that we are slaughtering five times the number of cattle that we were slaughtering before the war and if this slaughter of cattle continues, the milk supply of India will also suffer. Even in peace time the consumption of milk in India was eight ounces per head as against 35 to 40 ounces in the other Empire countries. If this state of things continue the Indian people will suffer from malnutrition which will lead to epidemics.

Sir, I have not been able to understand why public health reports have not been published for the last two years. Is the suspension of the publication of these public health reports due to paper economy? If it is due to paper economy, then I say it is false economy. There are many ways in which paper economy can be practised by Government. Surely it must not be practised at the expense of the health and well being of the people of India. Sir, whereas in war-time Britain has been giving a great deal of attention to the question of the development of the social services, whereas in Britain a great deal of attention has been given in war time to the question of a balanced diet, whereas in Britain a great deal of attention has been given to the question of educational reconstruction, here in this wretched country where we have a Government which has ceased to have the respect and confidence of the people of this country, these questions are considered of absolutely no importance whatever. I cannot understand why public health reports—and some of us are interested in the health and the welfare of the people—are not being published for the last two years? I hope, Sir, that the Honourable the Education Member will throw some light on the reason for the cessation of publication of these reports.

Then, Sir, the Honourable Mr. Hossain Imam suggested that deficient provinces might import cattle from the Punjab. The Honourable the Leader of the Opposition has told us that the position in the Punjab itself is not very satisfactory. I find, Sir, that the Punjab Government had a census taken of the cattle in their province and the Punjab livestock census report of 1940—I am quoting the figures of 1940—says that the number of cows in the province has gone down by 2,45,566 heads, that is to say it is 9·3 per cent. less than it was in 1935. The number of bullocks is stated to be less by 28,504; that is to say the number of bullocks has gone down by 8·7 per cent. Now, the comment of the Secretary of the Sri Sanathana Dharam Sabha—I am not a member and I am only giving you just the comment, I do not want to introduce religion into this subject at all and I am very glad that it has not been introduced by any member of this House—is that if this decrease continue, then in another 50 years or so there will not be found a single cow left and the bullocks too will be extinguished in almost the same period. I am not interested in what happens to this country 50 years hence. I am sure I shall not be in this world 50 years hence, but I am interested in what happens to this country within the next two, three, four, or five years. The point that we want to make is that as a result of this indiscriminate slaughter of cattle for purposes of feeding British and American troops stationed in India the Grow More Food campaign is likely to suffer and the nutrition of the people is likely to suffer. Therefore, the question of what is to be done in regard to the meat requirements of the British and the American Armies and also prisoners of war is very urgent. We have got a large number of Italian prisoners and a large number of Italian prisoners will be sent to this country because we do not know how many have been yet captured in Sicily. Some of them will be captured in Italy and other places and they will be forced upon this country and we shall have to feed them and we shall have to slaughter cattle for feeding them to the detriment of our own agriculture. This is being done in the Kangra district in the Punjab.

Now, Sir, the suggestion that the Honourable Mr. Hossain Imam has made is that we should import cattle from Australia and the United States of America. I think, Sir, we are importing a good many thing of a luxurious character—they are not all absolute necessities of life—

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Of a doubtful character!

THE HONOURABLE MR. P. N. SAPRU : Of a doubtful character as my Honourable friend Pandit Kunzru says, from the United States of America. They have got troops stationed in this country. They are getting all sorts of things from the United States of America. Why cannot we get some cattle also from the United States of America ? So far as Australia is concerned we know that it has got a very flourishing cattle trade and I think it ought to be possible for the British Government to make arrangements with the Australian Government for exporting cattle to this country.

Sir, there is another country, I believe Argentina, where there is a flourishing meat trade and it ought to be possible for us to get our supplies of meat for our troops to a certain extent from Argentina also. Shipping difficulties are not so great as they were before. They are not likely to present insuperable difficulties. If there is a will there is a way and you can get over those difficulties if you want to get over them.

I do not think, Sir, that the Government sufficiently realise the difficulty that people have in getting pure unadulterated ghee in these days. It is all right for the English folk because they do not use ghee. They get butter. I do not know whether they can get pure butter or pure lard these days but for the middle classes and for the upper middle classes ghee is an essential item of diet. It has certain nutritive values. If you mix it up with banaspati or oil, as is sometimes done in some cases, then the good properties of ghee disappear and what is happening is that we are having a flourishing trade now in this adulterated ghee. In this city of Delhi it is very difficult—so our cooks tell us and I have had this statement of theirs corroborated by people who are permanent residents of Delhi—it is very difficult for us to get pure ghee and the ghee that we get is sold at prohibitive prices.

Well, Sir, for all these reasons the question raised by this Resolution is of importance not only to the agriculturist of Bihar or any other particular province, it is of importance to the agriculturists all over the country it is also of importance to the vast millions of this country who do not wish to fall a prey to epidemics and who wish to live a healthy and useful life. I give my strong support to the Resolution which has been moved by the Honourable Mr. Hossain Imam.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (United Provinces Northern : Non-Muhammadian) : Mr. President, it is well known throughout the country that the slaughter of cattle for the Army is exercising a very serious effect on the supply of milk and ghee in the country. The question is not a new one. Government have been aware for a long time of the poor quality of the livestock in this country and the inadequate number of milch cattle, yet so far as I am aware no particular steps have been taken by them beyond the periodical provincial censuses to increase the quantity of livestock of the right kind and the supply of milk and ghee in the country. The situation which as I have said was unsatisfactory even before the war has been rendered doubly so, because of the requirements of the troops. I am glad that my Honourable friend Mr. Hossain Imam has brought this question before the Council. I have received many complaints from people connected with cow protection societies and other societies of an economic character during the last twelve months regarding the alarming increase in the slaughter of cattle that are useful from an agricultural point of view.

Several Honourable Members have referred to the rise in the prices of bullocks. I can say from my own experience that this is perfectly true. Only two or three months ago a servant of mine told me at Allahabad that for a pair of bullocks which cost less than Rs. 100 before the war he was asked to pay from Rs. 250 to Rs. 300. The serious effect that this has on agriculture can well be imagined by the authorities. It is generally said that among the cows which the Hindus want to preserve for religious reasons there is a number of animals which it would be undesirable to keep alive from the economic point of view, but I think it will, generally speaking, be recognised that the pace at which cattle are being slaughtered now is such as to affect seriously both the agricultural population and the town dwellers. We all know the difficulty with regard to ghee. It is impossible for Government even to supply all the ghee that is required for the troops. A good many people have to use banaspati ghee at the present time, but even the price of that is almost as high as that of ghee. In Allahabad only a few days ago Cocogem could be had only at the price of

[Pandit Hirday Nath Kunzru.]

ghee, that is at the rate of five chittacks per rupee. This shows how very serious the position is, and how necessary it is that Government should take it into account and arrange to get its meat requirements from outside India. The countries referred to by my Honourable friend Mr. Hossain Imam in his Resolution, namely, the United States of America and Australia, are in a much better position to help the Government of India in respect of the supply of meat than the people of this poor country. We all know the demands that have been made on those countries. But as they have specialised in the meat trade, as they rear cattle specially for slaughter, I think that it would place a smaller strain on their resources than on ours to meet the meat requirements of the Government of India.

My Honourable friend Rai Bahadur Mahtha referred to the remarks made by him during the last Budget session. General Hartley, who was the representative of the Defence Services in this House till the other day, referring to what had fallen from Rai Bahadur Mahtha, said :—

"As the House is no doubt aware, strict orders are in force that milch cattle and serviceable draught cattle are apt to be taken for slaughter. I have no information to show that any specially large requisitions of cattle either for slaughter or for milking have been made in Bihar but I have made a note of what my Honourable friend has said and I will make inquiries."

Now, Sir, the information which members of this House have received from reliable sources indicates that Bihar has been seriously affected by the purchase of cattle for the requirements of the army. Whatever the army authorities may say, the information which we have obtained from well-informed quarters creates a strong impression in our minds that the number of serviceable cattle which it ought to be the policy of Government to keep alive is being seriously affected.

THE HONOURABLE RAI BAHADUR SRI NARAIN MAHTHA : If my Honourable friend will permit me to interrupt him for half a minute, I may say that I have seen with my own eyes cattle at various railway stations being taken, and they were both giving milk, and were mostly fit for agricultural purposes.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : I can corroborate from my own experience what my Honourable friend Rai Bahadur Mahtha just said. In every herd of cattle driven either to railway stations or to other places we find a fairly large number of cattle which cannot be regarded as old or unserviceable.

Apart from this, the special difficulty with regard to the purchase of cattle for the army is this. Cattle are at first bought for their milking qualities. The milk is made use of as long as it is available. But when the cows become dry, they are slaughtered. Technically speaking, therefore, it can be said that cows in milk are not being slaughtered. But it nevertheless remains true that serviceable cows, cows, which would provide milk again if they were allowed to live, are being slaughtered in order to satisfy the requirements of the army in regard to meat.

Lastly, I should like to inquire whether the army authorities have made inquiries, as was promised by General Hartley in the last session. If such inquiries have been made, we should like to know their result. In any case, the matter to which my Honourable friend Mr. Hossain Imam has drawn attention is a serious one. It has been brought to a head by the war, but it was always important enough to require the attention of Government, although it seldom received it. I shall listen with interest to what will be said on the subject by the Honourable Member opposite, who has a deep regard for the welfare of the agricultural masses. I hope that he will be able to give us a satisfactory answer. I personally think that there is nothing in my Honourable friend Mr. Hossain Imam's Resolution which can be opposed by anyone in this House. The Resolution is one eminently deserving the support of Government.

*THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR (Madras : Muhammadan) : Sir, I shall be very brief in my observations. Much has already been said on the subject, and I will simply add a word or two. Sir, the position of our country as regards cattle supply was already unsatisfactory, and it is becoming much worse every day on account of the indiscriminate slaughter of cattle in the country. As has been said by the previous speakers, this slaughter of cattle is being carried on in an indiscriminate and reckless manner. There seems to be no method

about it. In the attempt to find meat for the prisoners of war and for the army every kind of cattle, every animal, even though it may be serviceable either by way of yielding milk or by way of being useful for agricultural operations, is being set upon and slaughtered for war purposes.

We do realise, Sir, that the armies in our country and the prisoners of war must be fed. But there must be some way found to do it other than denuding the country of its cattle wealth. This depredation that is being made on the cattle wealth of the country is doing harm to the country in a variety of ways. It is hampering agricultural operations. It also has an injurious effect upon the health and well being of the people of the country. As has been observed by my Honourable friend here who has just spoken, there is a very serious shortage of ghee and of milk, and the price of meat itself has gone very high. I am told, Sir, that in Bangalore where meat was very cheap, it is now sold at Rs. 3 per seer. When things have gone so bad, it is but necessary, it becomes our imperative duty, that we should take steps to remedy the situation. Various methods have been suggested to rectify the present state of things. It has been said that there are countries close by from which live cattle could be imported into this country. It has been pointed out that there are countries also from where preserved meat could be brought in, dehydrated meat and finished meat. If it is possible for Government to import articles of luxury for the armies here, it must be equally possible for them to import meat which is more necessary than many articles of luxury for which Government are now finding shipping space. In this connection, Sir, I would just like to mention one word and that is that the Government have already been remiss in their duty of trying to get statistics of the cattle wealth of the country. I am of opinion, Sir, that the Government should try and institute an inquiry into the cattle position in the country and try to get correct data about the cattle wealth in India.

With these words, Sir, I support the Resolution.

THE HONOURABLE HAJI SYED MUHAMMAD HUSAIN (United Provinces West : Muhammadan) : Sir, I was astonished to learn from a friend of mine that the meat rationed to the soldiers is the meat, more of the slaughtered cows and young ones than of bullocks, and these cows, which are more useful for our purposes are slaughtered in a very large more number. I hope the Honourable Member (on behalf of Government) would enlighten us on this point. One thing seems to me remarkable. Government, when it suits their purpose, stop the slaughter of cows with a very firm hand but they do not regard the sentiments of millions of people when they do it themselves. It is a matter of common knowledge that on certain occasions, when a cow is slaughtered in this country, the lives of dozens of human beings are lost simply because of the religious sentiment of a large section of people here. Should not the Government care for their sentiment when it is not only a question of sentiment but also one of economy and of a serious character? A District Officer can come forward and promulgate section 144 prohibiting the slaughter of cows. Cannot the Government, without the promulgation of section 144, stop the killing of a certain number of cows which are killed merely to feed their soldiers? They have recently got a good deal of grain from Australia to meet the situation here. Do not Government think it proper to import cattle also into this country? Do not Government feel that to import foreign meat is better than to slaughter cows here which will raise a worse type of economic crisis? I really feel that the time has come when Government ought really to take very serious measures to stop the slaughter of cattle. I met a gentleman the other day who was going from here to Calcutta. He was a contractor for supplying meat. He was in the meat trade. I was absolutely astonished to hear the number of goats he kills and dries their meat for supplying to the Government. You ought to know what is the price of a goat and the price of ordinary beef and mutton in the cities. I do not want to make a long speech, but I would request the Government, with all the force that I can command, that for all these reasons, they should see that the killing of the cow useful for agricultural purposes ought to be stopped at once.

THE HONOURABLE SARDAR SIR BUTA SINGH (Punjab : Sikh) : Sir, I have great pleasure in supporting the Resolution so ably moved by my Honourable friend Mr. Hossain Imam. It is necessary that the cattle wealth of the country should be protected because on it depends not only the milk supply but also agriculture. If ploughing bullocks are not available or are beyond the pocket of the producer,

[Sardar Sir Buta Singh.]

production is bound to suffer. Cultivation here is entirely dependent upon cattle power as it has been amply proved that mechanical power is unsuitable and uneconomical. It is necessary for the Central Government to protect the interests of the 30 per cent. of the population depending upon agriculture. They must keep a vigilant eye so that no serious injury is done to our resources of milk and bullock power. I hope the Government, who is the custodian of the interests of the vast population of this country, will see that the slaughter of cattle is reduced to a minimum.

THE HONOURABLE SIR A. P. PATRO (Nominated Non-Official) : Sir, I do not propose to deal with the first part of this Resolution. The second part is to import livestock from near-by countries and to supply them to the agriculturists at reduced prices to encourage the Grow More Food Campaign. No doubt this is very attractive and Government may accept. But it seems to me that instead of importing livestock from near-by countries and encouraging the Grow More Food campaign, we must look to our own country. Those who have been present at the All-India Cattle Exhibitions or the Provincial Cattle Exhibitions will realise that the importation of bulls or cattle from other countries is not at all necessary. If we make a selection and have proper cattle breeding, we will improve our livestock considerably to suit our climatic conditions. Some time back, connected with the Central Agricultural Association of Madras, we were enthusiastic in importing Ayrshire bulls and cattle and we distributed them to district and taluk agricultural associations, and other non-official bodies, and wanted to see how far the experiment would be successful. I am sorry to say that for two years our efforts in this direction have proved a failure. The Ayrshire bull or cattle will not thrive in our country. Some of them had to be kept in Coonoor and Ootacamund, colder places, and occasionally had to be brought down to the plains for the purpose of serving the cows of the plains. As regards the experiment of Ayrshire bulls, after two or three generations there

1 P. M. is considerable deterioration in the livestock. I have got a number of cows and bulls. There has been a considerable decline in the succeeding generations compared to the first breed. If we as practical agriculturists and farmers want to improve the cattle, it will not be done by getting bulls from neighbouring countries. That experiment naturally takes a long time. We have got a research institution by the Central Government. They have been making experiments and scientifically enquiring into the conditions which would benefit the cultivator and the agriculturist. These results are periodically communicated to the Provincial Governments, agriculture being a provincial subject for which they are entirely responsible. The healthy growth of livestock is a matter for the provincial administrations. With a view to help them the results of scientific research are communicated to the provinces and provinces have to adopt them according to their particular conditions. We have in the South a very excellent institution called the Coimbatore College, one which is in close touch with the Agricultural College in Coimbatore and with the kind of experiments that are made not only in Coimbatore but in the most important stations in the northern part of the Sircars, the Anakapalle Research Station. This Anakapalle Research Station helps sugar factories in the neighbourhood. The scientific results are adopted by these farms and they are disseminated by agricultural inspectors to the people in the villages. Gradually therefore knowledge of better methods of agriculture are spreading. But the difficulty of the ryot is that when he wants to adopt these improved methods he is handicapped by want of irrigation facilities by the revenue authorities. That is an obstacle which the Government of India must make every effort to remove and enable the ryots to adopt improved methods which are communicated to the provinces. The provinces must help them in the matter of irrigation. If you do not provide proper irrigation facilities or if you charge a very high irrigation cess, then all your experiments will prove a failure and your Central Research Institute becomes quite useless for the cultivator and the agriculturist. Therefore, what is necessary for the purpose of the Grow More Food campaign is not so much the import of cattle from other countries but the improvement of livestock in local areas. In many areas there are very good breeds of cattle. For instance, in Southern India there is the famous Nellore cattle. Even in the All-India and Provincial cattle shows they have always carried the prizes. In Mysore State also there is a place for cattle-breeding; they

have big-horned cattle both for milking purposes and for draught purposes. These animals are very useful and they are very good and they carry prizes in shows. Therefore, there is enough material here in the country; only we have to make use of them by giving the facilities that I have mentioned. The Honourable the Mover has no doubt drawn attention to what was prevailing in his province. I would suggest that in such conditions the Provincial Government—and especially the present Governor who is acquainted with all the details of the revenue administration in Madras—could import necessary bulls and cattle to that province and show them in cattle shows and make experiments. Importing cattle from neighbouring countries will not at all be helpful in the matter. As regards the Grow More Food campaign, the Honourable Member may say that lakhs of acres have been brought under cultivation.

THE HONOURABLE SIR JOGENDRA SINGH : That will come in when we have the food discussion.

THE HONOURABLE SIR A. P. PATRO : That will be all right on paper. It only exists in theory and not in practice, because I know that the more food business is very unreal. The statistics that might be quoted do not imply real progress. What happens is this. It has become a fashion in order to please the officials to grow some brinjals and *vendakkai* (ladies finger) in the compounds. The compounds are cut up and vegetables are grown. This is the way in which the Grow More Food campaign is carried on. If you go and move about the villages, as I have done, you will see it for yourself. I do not find that the rural population has any interest in this matter at all. If you really want to grow more food, then you should afford facilities in the way of remission of taxes, have low assessments, give them *banjar* land or waste land for cultivation and have reduced rates of irrigation cess. These are facilities which will encourage the ryots to grow more food and not lectures and shows. People who wear coat and pantaloons and who never go to villages and never walk in fields may talk loud about more food being grown; but actually the ryot knows the difficulties. The ryots should get the help that I have suggested in order to make it effective; statements made on the floor of the House will not help them.

THE HONOURABLE THE PRESIDENT : You are diverting from the terms of the Resolution. You will have another opportunity of speaking on this subject.

THE HONOURABLE SIR A. P. PATRO : So far as the Grow More Food campaign is concerned, with all due deference to the Honourable Member who may quote statistics, my view is that it is not a real thing; it is a mere show; it indicates the hollowness of the whole scheme.

THE HONOURABLE LT.-COL. SIR HISSAMUDDIN BAHADUR (Nominated Non-Official) : Sir, I rise to support wholeheartedly the Resolution moved by my Honourable friend Mr. Hossain Imam. I have great sympathy with his Resolution.

THE HONOURABLE SIR JOGENDRA SINGH (Education, Health and Lands Member) : When the Honourable Mr. Hossain Imam asked me to give him time for moving this Resolution I readily agreed though my concern is more with what he calls the background of the Resolution than its actual recommendations. I feel happy when this House discusses rural problems, for I am anxious that our legislators should acquire an agricultural bias and carry on a consistent campaign to improve rural conditions. My complaint is that in this House we do not give that attention which is essential to the vital problems of production. We view even from an urban standpoint the need of agriculturists and rarely from the point of view of cultivators. I can say that the Honourable Sir A. P. Patro cannot accuse me of not wandering into the fields and seeing the growing of crops: that has been my profession since my boyhood. I know from first hand experience the real conditions. When I say we have achieved something by the Grow More Food campaign it is not based on hollow figures; it is based on actual knowledge of new areas coming under cultivation. Provinces have afforded facilities of irrigation, remission of taxation and in many areas large increase in production has been attained. If in his province nothing has happened then he cannot say that Madras represents the whole of India. I know from experience that in our country, man and his chief prop, the cattle, are the primary instruments of production. I can sincerely say that I am in full sympathy with the object of this Resolution, that is to protect our livestock. We have already issued orders that no milch or pregnant cow and bullocks under ten years of age are to be

[Sir Jogendra Singh.]

slaughtered. The practice which is at present followed is, that the contractor presents the cattle at the military slaughter house where they are examined by an assistant and passed fit. I will now take steps to invite the attention of the authorities concerned that this officer must be instructed to pass no animal which comes under the protected category. (*Hear, hear.*) If at any time at any military slaughter-house it is discovered that protected animals are offered and accepted, the matter should be brought to the notice of the local military authorities; as the War Department have accepted the recommendations of the Food Advisory Council. The strict enforcement of the instructions regarding normal consumption of meat by the civilian population is a matter entirely for the Provincial Governments.

I agree with what fell from the lips of my Honourable friend Mr. Sapru that the problem of nutrition is the most vital problem of India. In our drive to improve living conditions in the villages the first and foremost need is to build up our man power, which depends on providing proper nutrition for all the people. In a country like ours, milk is the most important item of diet. If the efficiency and productive capacity of our working classes is to be improved, it is essential that they must have milk. Our problem, therefore, is to increase our milk supply and provide decent dwelling houses for all the people. With improvement in living conditions the earning capacity of our vast population will improve and with it the demand for goods leading to an expansion of industries. I wonder if my colleagues in this House have read the report of Mr. Wright on the development of cattle and dairy industries in India. On page 155 is given the daily production of milk per head, in the various countries of the world as well as daily consumption of milk per head of the population. The European countries which enjoy a mixed diet consume far more milk than is consumed in India. Take, for instance, New Zealand. The daily production of milk per head of the population is 244 ounces and the daily consumption 56 ounces. Even England with its rich and varied diet consumes 39 ounces of milk per head of its population. In India the daily production of milk per head of the population is 8 ounces and daily consumption 7 ounces. Then again when we take the provinces, the daily consumption of milk in Bengal is only 1·9 ounces per head of the population as compared with 9·9 ounces in the Punjab. Bihar and Bengal have been much to the fore. Now Bihar has nearly 12½ million head of cattle and the United Provinces another 23 million head. I am not convinced that there is any shortage of cattle either in the United Provinces or Bihar, but what has happened is—and I would like to draw the pointed attention of the representatives of Bihar to this—that while in the Punjab we have a Veterinary Officer looking after the health and welfare of the cattle of about 36,000 they have one for about 150,000 head of cattle.

THE HONOURABLE SIR A. P. PATRO : Is he a Central officer ?

THE HONOURABLE SIR JOGENDRA SINGH : A Provincial officer. It is most tragic that the work of milk production has not been seriously considered in Bihar and Bengal.

My Honourable friend Sir A. P. Patro quoted some of the improvements carried out in his province and I can tell you that in Lyallpur we started a small herd of cattle and when the herd was started the yield per cow was 5·6 lbs. and in 22 years, it has improved to 17·15 lbs. per head of cow. It is not only in Lyallpur that this improvement has taken place. Both in Ferozepore and other places similar increases have taken place. The need, therefore, is to give greater attention to breeding, feeding and weeding. I am sure if this is done, it would solve both the problem of milk supply and the production of ghee, but as long as the yield per cow remains what it is in Bihar, and Bengal, it is impossible, even if we increase the cattle population twofold, to get sufficient supply required for feeding our population.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Can the Honourable Member tell us what improvement has been brought about in the cattle as a result of Government action in Bihar and the United Provinces.

THE HONOURABLE SIR JOGENDRA SINGH : Need I point out to the Honourable Member that it is entirely a provincial concern and only Bihar and the United Provinces Governments can give this information.

It is the provinces which have enjoyed provincial autonomy that have not given as much attention to agricultural and milk production as they might have done

With the awakening which is now taking place concerning supply of food, if the Government of India and the province combine, I have not the least doubt that in ten years we can change the living conditions in the villages and the towns.

I have cited these figures to show that we who are concerned with the production side can never sacrifice our cattle. I may mention that India has perhaps the largest cattle population in the world, about 200 million head, perhaps a quarter of the world's cattle population. It is not possible for us to import cattle either from Persia or from Afghanistan, for we know that every year streams of cattle flow from the Punjab to these areas. If these areas had any surplus cattle on which we could draw, they would not be getting their supplies from our side. It is not possible to get any cattle from outside. I can say that my Department is watching the position with anxious care. I am assured at present there is no reason to be alarmed. The measures which I have outlined, if they are carried out, will prevent the slaughter of protected cattle, that is, milch cows and pregnant cows and bullocks under ten years of age—prime cattle. If these measures are enforced, I am sure my Honourable friends will be satisfied that the cause of agriculture will not suffer.

Regarding the two recommendations made by my Honourable friend, the need for importing meat or cattle from outside has not arisen. If it does arise, I am sure my Honourable colleague the Food Member will give the recommendations every consideration.

There is just one more point to which the Honourable Mr. Sapru drew my attention, namely, that Health Reports have not been published. I have just found out that the Report for 1940 is available, and the Report for 1941 and 1942 is now too late to publish. But I am sure he will be happy to know that I am appointing a committee to consider the whole problem of health, and I am hoping that Sir Joseph Blore will agree to preside over this Committee.

In view of what I have said and the support that the Honourable Member has received, I do not think there is any need for him to press this Resolution to the vote.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar : Muhammadan) : Mr. President, I am glad that the House gave its unanimous support to the background of my Resolution, and even the little opposition which I received from Sir A. P. Patro was more against the Grow More Food Campaign than against the merits of my Resolution. I am also glad to find that the Honourable Member in charge of the Department of Education, Health and Lands is going to see that the instructions of Government are carried out. I would remind him of the fact that at the moment we have a system whereby the Government Chief Inspectors of the Railway are not under the Department of War Transport, but under the Department of Posts and Air. An Inspectorate would be ineffective if it is under the Department with which it is concerned. On the same lines, I would draw his particular attention to the fact that it would not be an innovation to have an Inspectorate of cattle slaughter for the Army placed under the Education, Health and Lands Department. I hope he will take up the matter and see that the instructions are carried out.

With regard to the other matters which were discussed in the House, I will not dilate on them, but I would point to the fact that agricultural research, especially in animal husbandry, has suffered greatly due to paucity of funds in the permanently settled provinces of Bihar and Bengal, and it would not be possible for these provinces to carry out any ambitious programme without the support of the Centre, because of the inelasticity of the sources of income available to these two provinces. Our province has done some sort of cattle improvement work. We imported the Ayrshire breed, and we have been experimenting with the Montgomery breed. We have even popularised the Tharparkar breed from Sind. There has been any amount of constructive work done, but on a very small scale compared to the population and the necessities of the province. That, Sir, is a long-term policy which will not serve the immediate purpose of the present time. I do hope that the Honourable Member as well as his colleague in the Food Department will keep a vigilant eye, and that if they find that the position of the agriculturist is deteriorating, the fact that this Resolution has been brought by a non-official will not stand in the way of effect being given to it with a view to giving the required help to the agriculturist.

In view of what the Honourable Member said, I do not wish to press my Resolution.

The Resolution was, by leave of the Council, withdrawn.

The Council then adjourned till Eleven of the Clock on Monday, the 9th August, 1943.

COUNCIL OF STATE

Monday, 9th August, 1943.

The Council met in the Council Chamber of the Council House at Eleven of the Clock, the Honourable the President in the Chair.

THE HONOURABLE THE PRESIDENT : Honourable Members, we will proceed with the work of the secret session. The Secretary will please see that the Public Galleries as well as the Press Galleries are cleared except for the members of the Legislative Assembly and I have also directed the suspension of the Standing Order 72 which provides for the preparation and publication of the proceedings of this Council. As many Honourable Members have expressed their desire to participate in the debate this morning, I have to mention that I have definitely fixed 15 minutes for each member who desires to address the House and I trust the Honourable Members will rigidly observe my suggestion.

MOTION *RE* WAR SITUATION.

The sitting was in secret session and the Council discussed the following Motion moved by His Excellency the Commander-in-Chief :—

“ That the war situation be taken into consideration.”

The Council then adjourned till Eleven of the Clock on Tuesday, the 10th August, 1943.

COUNCIL OF STATE

Tuesday, 10th August, 1943.

The Council met in the Council Chamber of the Council House at Eleven of the Clock, the Honourable the President in the Chair.

QUESTIONS AND ANSWERS.

SUMMER VACATION OF THE FEDERAL COURT.

111. **THE HONOURABLE RAJA YUVERAJ DUTTA SINGH** : Do Government propose to explore the possibility of taking such steps as may be desirable to curtail the long spell of summer vacation of over four months of the Federal Court of India, in view of important appeals, and urgent references now pending for speedy disposal ?

THE HONOURABLE SIR MAHOMED USMAN : I am informed by the Honourable the Chief Justice of India that the Federal Court have already decided to hear some of the urgent appeals now pending before the Court during the vacation. The Court will sit on the 17th August, 1943 for this purpose and will continue to sit until those appeals are disposed of.

RE-EMPLOYMENT OF I. M. S. OFFICERS WHO HAVE RETIRED.

112. **THE HONOURABLE PT. H. N. KUNZRU** : (a) Will Government state how many retired I. M. S. officers have been re-engaged since the commencement of the war ? How many of them are holding ranks higher than that of Lt.-Colonel ?

(b) Is it a fact that in the R. A. M. C. retired officers who have been re-employed have not been given ranks above that of Lt.-Colonel ? If so, why has a different course been followed in dealing with the re-employed officers of the I. M. S. ?

(c) Are Government aware that the present system of giving ranks higher than that of Lt.-Colonel to retired I.M.S. officers who have been re-employed has produced discouragement and discontent among officers on the active list ? Do Government propose to bring the practice in the I. A. M. C. in line with that prevailing in the R. A. M. C. in this respect ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : (a) Eighty-nine retired Indian Medical Service officers have been re-employed since the war started and of these 29 were liable for recall under the Indian Medical Service Royal Warrant of 1937. Only 65 were actually in employment on the 1st July of this year and of these nine are holding ranks higher than that of Lieutenant-Colonel.

(b) Retired officers of both the Royal Army Medical Corps and of the Indian Medical Service of the rank of Lieutenant-Colonel and above, when re-employed, come into the Service as Lieutenant-Colonels, but they may be appointed to posts carrying a higher rank if they are specially suited. They are, therefore, both on the same footing. It happens that so far in India no re-employed Royal Army Medical Corps officer has been given a post carrying a rank higher than Lieutenant-Colonel, but five Indian Medical Service officers so re-employed have subsequently received acting promotions on being posted to appointments which carry a higher rank.

On the civil side the terms and conditions under which retired officers are re-employed are regulated by article 526 of the Civil Service Regulations and Provincial Governments decide the terms of re-employment.

(c) No such discontent has been brought to the notice of Government and in view of the answer given to part (b) of the question, the question of a change of practice does not arise.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : When His Excellency the Commander-in-Chief said that no such discontent as is mentioned in part (c) of my question had been brought to the notice of Government, did he mean that no memorial had been received from the officers in the I. M. S. on that subject ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : I can only repeat that I have no information that there is any discontent.

THE HONOURABLE MR. V. V. KALIKAR : The point is, whether any memorial has been received.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : I am afraid I have no information.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : What I wanted to know was, what was the method by which Government thought that they should

come to know whether there is discontent in the Service on account of the appointment of a few retired I. M. S. men as Colonels. Did they expect to receive a memorial from the officers of the I. M. S. on that subject ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : Certainly not. It is part of the duties of all senior officers in the Army including the Director of Medical Services and his Deputy Directors throughout India to know whether officers are discontented or not and I may say that generally, if there is serious discontent, it does come to our notice.

NUMBER OF I. A. M. C. OFFICERS HOLDING THE RANK OF COLONEL.

113. THE HONOURABLE PT. H. N. KUNZRU : How many I. A. M. C. officers are holding the rank of Colonel or a higher rank ? How many of them are Indians ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : Fifty-eight of these 18 are Indians.

NUMBER OF I. A. M. C. AND R. A. M. C. OFFICERS HOLDING APPOINTMENTS OF D. D. M. S. AND A. D. M. S.

114. THE HONOURABLE PT. H. N. KUNZRU : How many I. A. M. C. and R. A. M. C. officers, respectively, are holding posts of Deputy Director of Medical Services and Assistant Director of Medical Services ? What is the proportion of Indian to British officers among them ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : Six I. A. M. C. officers and four R. A. M. C. officers are holding posts of Deputy Director of Medical Services. Eighteen I. A. M. C. officers and 15 R. A. M. C. officers are holding posts of Assistant Director of Medical Services (Colonels). This makes a total of 19 R. A. M. C. officers and 24 I. A. M. C. officers and of these 24, nine are Indians.

NUMBER OF I. A. M. C. AND R. A. M. C. OFFICERS HOLDING APPOINTMENTS AS CONSULTANT IN G. H. Q.

115. THE HONOURABLE PT. H. N. KUNZRU : (a) How many I. A. M. C. and R. A. M. C. officers, respectively, are occupying the posts of Consultant in the General Headquarters and the Commands ? How many of them are Indians ?

(b) What is the total number of such posts ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : (a) One I. A. M. C. officer and 5 R. A. M. C. officers are holding the posts of Consultant at G. H. Q.

Four I. A. M. C. officers and three R. A. M. C. officers are holding the posts of Consultant to Armies. None of these officers are Indians.

(b) The total number of Consultant appointments is six for G. H. Q. and seven for armies.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Are there any posts of Consultant either in General Headquarters or in the Commands that are vacant ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : Not that I know of.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Why is it that Indians have been excluded from these higher posts ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : The situation is this. The eight R. A. M. C. officers are all eminent civilian doctors from the staffs of hospitals in the United Kingdom and they have been granted commissions for the war and sent specially to India as Consultants. The five I. A. M. C. appointments are held by officers who have attained eminence in their subjects in India and two of them are retired re-employed officers. Until recently an Indian officer, Colonel Mirajkar, held the post of Consultant in the Southern Army but he has gone back to civil duty with the Punjab Government at their request. I am informed that it has not so far been found possible to appoint Indian civilian doctors to these posts, the reason being that no Indian doctor of sufficient comparative eminence in the profession has offered his whole-time service except on certain conditions, e.g., local service, and it has not been possible to accept the services of these officers under those conditions. That is the reason.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Are there no Indian officers in the I. M. S. who could be appointed to any of these posts to which British officers of the I. M. S. have been appointed ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : I am informed not.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Do Government propose to take any steps to look into the matter and see that justice is done to Indian claims ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : I shall be very glad to look into the matter.

OBJECT OF THE VISIT OF THE ANGLO-AMERICAN STEEL MISSION.

116. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH : Is it a fact that United Kingdom and U. S. A. Steel Mission visited India recently ? If so, what was the object of the Mission, and to what extent has it been successful ? Will Government give such details in this connection as they can without of course, disclosing valuable information to the enemy ?

• **THE HONOURABLE MR. C. M. G. OGILVIE :** A statement is laid on the table.

An Anglo-American Steel Mission visited India in June in the course of a tour of various Empire countries. The main object of the Mission was to discuss in each country the machinery existing for mutual collaboration between Empire countries and the U. S. A. and U. K. respectively and any possible improvements in that machinery, so as to ensure that difficulties in supplying and shipping steel should as far as possible be overcome by mutual assistance. The Mission was also authorised to discuss other problems concerning steel which existed in each country. While in India the Mission visited the main steel works and some important fabricating shops. The subjects which it discussed with the authorities concerned included India's import requirements of steel and of plant and materials for steel production, and the transport in India of imported steel and of the requirements of the steel producers. No formal recommendations have yet been received from the Mission. The Mission has already urged on the Governments concerned the necessity for expediting the despatch to India of certain urgently required railway equipment and has endeavoured to secure for India certain important steel and steel machinery supplies. Its representation of India's present steel position to the Allied Governments, particularly those of the U. S. A. and U. K. will assist the procurement of essential imports. Suggestions made by the Mission for securing closer co-ordination in India of steel production and imports with the fabrication of finished articles, and for the more efficient handling of Defence demands for steel and for the better estimation of import requirements, are of great value and the Government of India have already initiated action on the lines suggested.

SUSPENSION OF PERIODICAL PAYMENTS DUE BY THE GOVERNMENT OF BURMA.

117. THE HONOURABLE MR. HOSSAIN IMAM : Will Government state the steps, if any, they have taken to recover our annual debt repayment instalments from the Burma Government ? Have they asked H. M. G. to set off Burma dues against sterling debt of ours ? If not, why not and what step they propose to take in the matter ?

THE HONOURABLE MR. C. E. JONES : The Honourable Member's attention is invited to the reply I gave to his question No. 53 on the 3rd August, 1943.

MANUFACTURE OF POWER ALCOHOL.

118. THE HONOURABLE MR. HOSSAIN IMAM : Will Government make a full statement about power alcohol manufacture in India, stating the number and location of factories in course of construction and contemplated ?

THE HONOURABLE MR. M. S. A. HYDARI : Government would in present circumstances prefer not to broadcast the information.

THE HONOURABLE MR. HOSSAIN IMAM : Will the Honourable Member give us some information—not the location—as to how far they have succeeded in establishing power alcohol factories ?

THE HONOURABLE MR. M. S. A. HYDARI : I can supply the information to the Honourable Member privately.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Is there any objection to saying in how many places factories have been established ? The places need not be named. But it can be stated how many new factories have been established, because everybody knows that there was hardly any such factory in existence before ? What is it that the Government want to keep secret in this connection ?

THE HONOURABLE MR. V. V. KALIKAR : We want to know whether you have established factories or not.

(No Answer.)

VALUE OF STORES CHARGED TO HIS MAJESTY'S GOVERNMENT.

119. THE HONOURABLE MR. HOSSAIN IMAM : Will Government lay on the table a statement giving the value of supplies of manufactured and raw materials

and armaments (if possible, separately for the three categories) in each of the years 1939-40 to 1942-43, sent to H. M. G. or charged to H. M. G.?

THE HONOURABLE MR. C. E. JONES : The value of stores of all kinds charged to His Majesty's Government in our accounts for the years 1939-40 to 1942-43 is as follows :—

| | Figures, in crores of rupees. |
|--------------------------------------|-------------------------------------|
| 1939-40. | 8 |
| 1940-41 | 45 |
| 1941-42 | 124 |
| 1942-43 (revised estimate) | 225 |

Separate figures according to the categories mentioned in the question are not available.

DEFENCE EXPENDITURE FOR QUARTER ENDING 30TH JUNE, 1943.

120. THE HONOURABLE MR. HOSSAIN IMAM : Will Government state whether it is a fact that the Defence expenses in the quarter ending 30th June were higher than last year and recoveries from H. M. G. much less than last year ? If not, what are the facts ?

THE HONOURABLE MR. C. E. JONES : Defence expenditure brought to account in the books of the Government of India for the quarter ending 30th June, 1943 is higher than the corresponding expenditure for the quarter ending 30th June, 1942. The amount of this expenditure recovered from His Majesty's Government is also higher in the case of the first quarter of 1943-44 than in the case of the first quarter of 1942-43.

THE HONOURABLE MR. HOSSAIN IMAM : Could the Honourable Member give approximate figures ?

THE HONOURABLE MR. C. E. JONES : I am sorry I have not got them here.

WAGON ALLOTMENT FOR WAR SUPPLIES, ETC.

121. THE HONOURABLE MR. HOSSAIN IMAM : (a) Will Government give the figures of first six months of the current and last year of the wagons allotted to (a) war supplies, (b) loco coal, (c) domestic coal, (d) foodgrains ? If figures for six months are not available, shorter period may be given.

(b) What was and what is the monthly quota for Bihar domestic coal in the current and last year ?

THE HONOURABLE SIR SATYENDRA NATH ROY : (a)—(a) & (d) " War supplies " is a vague term and does not clearly indicate what the Honourable Member wants. The quantity of military traffic carried in ordinary trains on Class I Railways and booked on military credit notes in the first four months of 1942 and 1943, for which alone I have figures, was respectively 2,670,800 tons and 5,047,400 tons. The latter constituted 10.9 per cent. of all goods traffic. The number of wagons loaded with foodgrains and pulses on Class I Railways during the first six months of 1942 and 1943 was respectively 334,270 and 320,702.

(b) and (c) The information asked for is being collected and will be laid on the table.

(b) No separate monthly quota for domestic coal was fixed until the Provincial Control Scheme which came into operation in January last. Under that Scheme the quota for Bihar for small industries and domestic supplies was fixed at 1,074 wagons a month, of which 174 wagons were allotted for domestic supplies and small industries whose requirements are less than one wagon load.

DR. NEMENYI, ECONOMIST.

122. THE HONOURABLE PT. H. N. KUNZRU : Have Government appointed Dr. Nemenyi to perform any duty in connection with the inflation ? If so, what are his exact duties and his qualifications for the task that has been entrusted to him ?

THE HONOURABLE MR. C. E. JONES : The object of the enquiry entrusted to Dr. Nemenyi was to make a rapid survey, by means of direct contacts both official and non-official, of the opinions held regarding present economic trends and the scope for ameliorative action in the Central and Provincial fields and in the Indian States. His qualifications for this work are knowledge and practical experience of economic, financial and currency problems combined with widespread business contacts throughout India and the Indian States extending over a number of years.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Did Government try to appoint a qualified Indian to this position before they appointed Dr. Nemenyi ?

THE HONOURABLE MR. C. E. JONES : There was no economist, Indian or otherwise, readily available in India who possessed to the same degree the personal qualifications which Dr. Nemenyi possessed for this immediate purpose.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : What does the Honourable Member mean by personal qualifications ? His standing with the Government of India ?

THE HONOURABLE MR. C. E. JONES : Not at all, Sir ; but his life-long experience in these matters and the wide business contacts that he has made in this country, both in British India and in the Indian States, but particularly his intimate practical experience of currency problems.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Is the Honourable Member referring to the letters which he wrote to the *Statesman* on the subject of the currency inflation ?

THE HONOURABLE MR. C. E. JONES : No, Sir.

THE HONOURABLE MR. HOSSAIN IMAM : He published a booklet *War and Prices*. Was the Government influenced by that booklet ?

THE HONOURABLE MR. C. E. JONES : Not at all, Sir. As a matter of fact I think that the book appeared after the appointment.

THE HONOURABLE MR. HOSSAIN IMAM : Was it written before his appointment ?

(No Answer.)

EFFECT OF CURRENCY POLICY ON PRICES.

123. THE HONOURABLE PT. H. N. KUNZRU : Are Government aware of the effect which their currency policy has had on prices ? Is it the intention of Government to continue to increase the currency notes in circulation by about a crore of rupees a day ?

THE HONOURABLE MR. C. E. JONES : In answer to the first part of the question I would invite the Honourable Member's attention to paragraphs 50 to 55 of the last Budget speech of the Honourable the Finance Member. The answer to the second part is that the Government are not increasing the currency notes in circulation by about a crore of rupees a day.

THE HONOURABLE MR. HOSSAIN IMAM : What is the increase ?

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : What is the increase ?

THE HONOURABLE MR. C. E. JONES : For how long ?

THE HONOURABLE MR. HOSSAIN IMAM : For the last three months.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : I shall give a longer period. From the 1st of January to the 30th June, or the middle of June, the 15th June.

THE HONOURABLE MR. C. E. JONES : I have not got those figures, but I can give the Honourable Member figures for the last three months if he so wishes.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : What are they ?

THE HONOURABLE MR. C. E. JONES : During the month of May, which included four Fridays, Rs. 26½ crores. During the month of June, which also included four Fridays, Rs. 19½ crores. During the month of July, which included five Fridays, Rs. 17 crores.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Is it a fact that since the last week of December, 1942, the notes in circulation have increased roughly speaking by Rs. 170 crores ?

THE HONOURABLE MR. C. E. JONES : I could not say off-hand, Sir, but I do not see the relevancy of that to this question. My answer is that Government are not increasing the notes in circulation by a crore a day. I think the figures I have given amply justify the accuracy of that statement.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Who has issued the increased quantity of notes in circulation during the last six months if not Government ?

THE HONOURABLE MR. C. E. JONES : I do not propose to go into that question, but I do say that the increase in the note circulation during the last six months has not been at the rate of a crore a day, and the rate of increase is declining.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : During the last six months it has been virtually a crore a day.

THE HONOURABLE MR. C. E. JONES : I repeat, Sir, that the notes in circulation are not now increasing by a crore a day.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Could the Honourable Member give us some indication of the future policy of the Government on this subject ?

THE HONOURABLE MR. C. E. JONES : The future policy of Government will be the same as in the past, namely, to the extent that currency is required in the country, that currency will be provided.

OUTPUT OF SMALL COIN.

124. THE HONOURABLE PT. H. N. KUNZRU : (a) Will Government state what steps they have taken to make small coins available to the public ?

(b) Are they aware that the post offices and railways which insist that their customers should pay them small change required in each case seldom give any small change to any customer ? What steps do Government propose to take to prevent the hoarding of small coins by these agencies ?

THE HONOURABLE MR. C. E. JONES : (a) Government's main efforts have been directed to increasing the output of small coin and securing as speedy and efficient distribution as practicable in existing conditions. The rate of output is now double what it was at the beginning of January last. The average monthly output January-June, this year was 130 million pieces and for July reached nearly 160 million pieces. The Lahore Mint will shortly begin production and will eventually be able to add 30 million pieces a month to this figure should it prove necessary. Widespread prosecutions and propaganda have been directed against hoarders, not altogether without success.

The position is now noticeably better except in parts of Northern India, but even here action has been and still is being taken on the above lines with a view to restoring the position to normal as soon as possible.

(b) Government are aware of this general complaint and strict departmental instructions were issued some time ago on the subject and have been re-emphasised more recently. In areas of acute shortage it will be realised that these services are themselves in great difficulty, since they can only secure limited supplies of small change with which to begin each day, and these are rapidly exhausted unless change is forthcoming from the public.

THE HONOURABLE MR. HOSSAIN IMAM : Are Government aware that the general complaint is that the small change collected in the Railway offices and the Post Offices is to no small extent divided between the people serving in those offices ?

THE HONOURABLE MR. C. E. JONES : Government have no such information, but if we had proof we would certainly take action. If any member of the public would co-operate with the Government in bringing such cases to notice we would be only too pleased to make an example of any such case.

THE HONOURABLE MR. HOSSAIN IMAM : Will the Honourable Member please state what is the system of distribution of this small change, because there are certain places where there is abundance of small change and certain places where there is great demand for it ?

THE HONOURABLE MR. C. E. JONES : The distribution of small coin is made by the Reserve Bank on a consideration of indents received from their Currency Offices and from Treasuries all over the country. Those indents, if they cannot all be complied with in full are complied with proportionately, but conditions vary from place to place according to a number of factors, including the local psychology of the place. If, for instance, we have one or two successful prosecutions for hoarding the amount of small coin that comes out is simply amazing and there is an immediate abundance of small coin in that place. This is one particular example, but the distribution of small coin is, generally speaking, in the hands of the Reserve Bank.

THE HONOURABLE MR. HOSSAIN IMAM : Is the Government aware that in certain parts the District Magistrates have placed a limit on the amount of coin which can be possessed, whereas in other districts there is no limit on the amount of small coin which you can possess ? Do Government propose to take a uniform action in this matter ?

THE HONOURABLE MR. C. E. JONES : I doubt if a limit can be laid down. I am not aware of the practice to which the Honourable Member refers but the legal position is that it is left to the discretion of the trying Magistrate or Court, when a prosecution is launched, to say whether the amount of the small coin hoarded is or is not excessive with reference to the normal business or personal requirements of the offender.

THE HONOURABLE MR. HOSSAIN IMAM : Is the Government aware of any place where the District Magistrate has fixed a maximum limit ?

THE HONOURABLE MR. C. E. JONES : No, I am not aware, Sir.

FINANCIAL ASSISTANCE TO STUDENTS FROM BURMA AND MALAYA.

125. THE HONOURABLE PT. H. N. KUNZRU : What is the number of students belonging to Burma and Malaya who have been granted scholarships by the Government of India ?

THE HONOURABLE MR. G. S. BOZMAN : One hundred and Seventy-nine students from Burma and Malaya have been granted assistance during the academic year 1942-43 under the Government of India's scheme of financial assistance to evacuee university students.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : What is the number of students to whom allowances have been sanctioned during the current year ?

THE HONOURABLE MR. G. S. BOZMAN : The Honourable Member is referring presumably to the year 1943-44. I am afraid I cannot give him that number at the moment.

EVACUEES FROM THE FAR EAST.

126. THE HONOURABLE PT. H. N. KUNZRU : What is the total number of evacuees from the Far East who are receiving allowances from the Central and Provincial Governments, respectively ? What is the total expenditure that is being incurred in this connection ?

THE HONOURABLE MR. G. S. BOZMAN : The exact number of evacuees who are in receipt of financial assistance is not available, but it is estimated that over 50,000 Indians, Anglo-Indians and non-Indians are receiving such assistance. The scheme of financial assistance to evacuees from the war zones and to dependents in India of British subjects detained there sanctioned by the Central Government is administered through the provincial authorities and the expenditure on Indians and Anglo-Indians is debited to the Central Government and that on non-Indians to the Governments of the countries whose subjects they are. In this connection the attention of the Honourable Member is invited to the reply given by me to the Honourable Raja Yuveraj Dutta Singh's Question No. 65 on the 4th August, 1943. The total monthly expenditure on Indian and Anglo-Indian evacuees is approximately between Rs. 7 and 8 lakhs.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : What is it on Europeans ?

THE HONOURABLE MR. G. S. BOZMAN : I am sorry, Sir, I have not got the figures with me.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Will the Honourable Member kindly let me have it later ?

THE HONOURABLE MR. G. S. BOZMAN : I will do my best.

NUMBER OF INDIAN CADETS BEING TRAINED UNDER THE EMPIRE AIR TRAINING SCHEME.

127. THE HONOURABLE PT. H. N. KUNZRU : (a) Have any Indian cadets been sent to Canada for training under the Empire Air Training Scheme ? If so, what is their number ? Is it intended to send batches of Indian cadets regularly to Canada in future for training ?

(b) Will Government give full information regarding the arrangements that have been made for the training of the cadets and the expenditure that will be incurred ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : (a) Yes. Twenty-five have been sent. It is hoped to send regularly further batches of cadets to Canada for training.

(b) Cadets will be trained on exactly the same basis as trainee from other Empire countries and the expenditure involved will probably be based on *per capita* course rates but details are not yet available.

THE HONOURABLE MR. V. V. KALIKAR : When was the first batch sent ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : The first batch of 25 sailed in May, 1943, and the subsequent batch will probably consist of 25 to 30.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : At what periods will these batches be sent ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : I cannot give the exact periods : that depends on a good many factors including shipping, but at regular and periodical intervals.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Is the training carried on only in Canada or anywhere else also ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : So far as I know, only in Canada.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Are the persons receiving instruction treated as Officer Cadets or not ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : I am afraid I must ask for notice of that question.

THE HONOURABLE MR. V. V. KALIKAR : What will be the period of training of these cadets in Canada ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : I am afraid I must ask for notice of that question too.

PROMOTION OF CIVILIAN STOREKEEPERS TO COMMISSIONED RANK.

128. THE HONOURABLE PT. H. N. KUNZRU : (a) Did Government state in reply to question No. 153 on the 3rd April, 1943 that Civilian Store Keepers selected for promotion as I. C. Os. will be treated on the same footing as promoted British soldiers ?

(b) Is it a fact that commissions have been granted in such a way that storekeepers senior to B. O. Rs. have become junior to them ? If so, will Government take steps to rectify this ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : (a) Yes, Sir.

(b) No, but a few B. O. Rs. were commissioned as Departmental Officers before it was decided that Civilian Storekeepers should be eligible for departmental commissions equally with B. O. Rs. It is these few B. O. Rs. who are senior to Civilian Storekeepers with longer departmental service. Since the decision was made seniority as commissioned officers is determined strictly in accordance with departmental seniority on a combined roll.

REPORTS ON EVACUATION OF INDIANS FROM BURMA.

129. THE HONOURABLE PT. H. N. KUNZRU : (a) Has Mr. R. H. Hutchings, I. C. S., who was the Agent of the Government of India in Burma submitted any report on the evacuation of Indians from Burma ? If so, when did Government receive the report ?

(b) Was Mr. A. K. Chanda, I. E. S., placed on special duty in the Indians Overseas Department to prepare a report on questions connected with Indian refugees from Burma ? If so, what were his terms of reference ? Has he submitted his report ?

(c) When will Government place these reports before the Standing Committee on Emigration and the Legislature ?

THE HONOURABLE MR. G. S. BOZMAN : (a) Yes ; in July, 1942.

(b) Yes. Mr. A. K. Chanda, was given no terms of reference but was asked to compile a factual account of the Evacuation of Burma, on the basis of Reports received from various officers connected with the evacuation. His compilation was completed last month.

(c) The matter is under consideration.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : What action did Government take between July, 1942, and the date on which Mr. Chanda was appointed, to make the information that was with them available to the Legislature or the Emigration Committee ?

THE HONOURABLE MR. G. S. BOZMAN : I think, Sir, the Honourable Member has perhaps misunderstood what I said. It was Mr. Hutchings's report that was submitted in July, 1942. Mr. Chanda was not appointed until December, 1942, or, may be, January, 1943, to compile his account ; and that account, as I said, was

completed last month. There has not yet been time for us to scrutinise the whole of that account and put it in a form for release to the Legislature or the public.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : My question was a different one. I wanted to know what steps Government had taken between July, and December, 1942 to place the information with them before the Emigration Committee or the Legislature. In other words, I wanted to know why there was a delay of five or six months in the appointment of an officer to prepare a connected account on the basis of the reports submitted to the Government of India.

THE HONOURABLE MR. G. S. BOZMAN : The other reports upon which Mr. Chanda's account was based were received very much later than the report of Mr. Hutchings. The work was still going on. I cannot, I am afraid, give the dates when all these reports came in : but they had only been received shortly before Mr. Chanda was appointed.

THE HONOURABLE MR. HOSSAIN IMAM : Is the Government aware of any complaints by the Indian evacuees about Mr. Hutchings ?

THE HONOURABLE MR. G. S. BOZMAN : I do not think that question arises.

STEPS TAKEN TO FIND SOURCES OF SULPHUR.

130. THE HONOURABLE MR. HOSSAIN IMAM : Will Government state the steps taken by them to find out sources of sulphur (other than Koh-i-Suleman of Baluchistan) ? Was any hot spring investigated ? If so, with what results ?

THE HONOURABLE MR. H. TUFNELL-BARRETT : Apart from Koh-i-Sultan (to which it is presumed the Honourable Member is referring), three other sources of sulphur in India have been investigated by the Geological Survey since the outbreak of war—one near Simla : one in the valley of the Son and one at Sanni in Kalat State. The first two yielded nothing of value. The Government of India are considering the opening of mining operations at Sanni.

Government have no information to show that any hot springs have been investigated.

THE HONOURABLE MR. HOSSAIN IMAM : Do Government propose to make inquiries ?

THE HONOURABLE MR. H. TUFNELL-BARRETT : If the Honourable Member so desires, we will make inquiries.

STEPS TAKEN TO IMPORT SULPHUR.

131. THE HONOURABLE MR. HOSSAIN IMAM : Will Government state if it has made any effort to import sulphur from outside ? If so, what is the result ? Is Government taking any steps to reserve the sulphur supply from Sicily for India, in view of its nearness and urgent need of India ?

THE HONOURABLE MR. C. M. G. OGILVIE : Government has arranged to import sulphur from America during the present year in such quantities as would meet all essential requirements. Approximately 25 per cent. of the sulphur ordered from the United States of America has been received and a further 20 per cent. has been shipped from America. No steps to obtain sulphur from Sicily have so far been taken.

THE HONOURABLE MR. HOSSAIN IMAM : Do Government propose to take some steps to reserve the sulphur supply from Sicily for India ?

THE HONOURABLE MR. C. M. G. OGILVIE : The Honourable Member may take it for granted that as soon as Sicilian supplies become available the needs of India will undoubtedly be met from Sicily.

RECIPROCITY (AMENDMENT) BILL.

THE HONOURABLE MR. G. S. BOZMAN (Indians Overseas Secretary) : Sir, I move :—

“That the Bill to amend the Reciprocity Act, 1943, as passed by the Legislative Assembly, be taken into consideration”.

I feel, Sir, that I owe a word of explanation and apology to the House for bringing forward an amending Bill to an Act which we passed so recently as our last session. The necessity for the amendment is made clear in the Statement of Objects and Reasons, but I may well be asked why that necessity was not seen at the time when the parent Act was passed. Our view then was that the difficulty which we now seek to overcome would be covered by the rule-making power provided by section 6

[Mr. G. S. Bozman.]

of the Act ; and I may say, Sir, that even now it is not absolutely certain that that is not the case. But when we took up the question of framing rules, shortly after the Act was passed, doubts—very grave doubts—were expressed in the sense set out in the Statement of Objects and Reasons. We, therefore, felt, Sir, that this was not a matter in which any doubt should be allowed to subsist and decided that the only proper course open to us was to amend the Act so as to remove these doubts altogether.

I may refer to one particular point in the amending Bill because it was the subject of discussion in another place. The House will observe that the provision of penalties is left to the rule-making authority. That is a somewhat unusual provision, but this is a somewhat unusual measure we are adopting. The intention of the parent Act is that we should be empowered to make restrictions imposed upon Indian nationals by other people recoil upon the heads of their own nationals. Where by the law of some other country an Indian is prohibited from doing something under a penalty of a fine of, let us say, £5 it would be wrong for us, in applying a reciprocal disability, to impose a penalty of Rs. 1,000. Conversely, where other countries are at liberty to impose a penalty of unspecified severity it would be a mistake for us to bind ourselves in the Act not to impose a penalty beyond a specified limit. It is for that reason that we believe the unusual course we have adopted to be the right one in this case.

I should like, Sir, to direct the attention of the House to one further point in regard to this amending Bill. We are all exercised in our minds over the treatment accorded to Indians in one particular country today, and we have already had a very full and frank discussion on that matter. The Reciprocity Act, however, and this amending Bill are measures of general application ; they provide the Government of India with powers which can be directed against any country where the need is established. I, therefore, suggest, Sir, that in debating this amending Bill, while remembering those immediate causes of resentment which we have already debated, we should also be concerned to satisfy ourselves that the amended Act will provide the necessary powers for application in any quarter where it may be desirable.

Sir, I move.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (United Provinces Northern : Non-Muhammadan) : Mr. President, I beg to accord my hearty support to the Bill before us. If my Honourable friend Mr. Bozman had not explained to us how it was that the Government of India failed to see in March last that the reciprocity legislation as worded would be ineffective in practice, I would certainly have had to put certain questions to him on the subject. Even after considering his explanation the position seems to me to be somewhat unsatisfactory. He will pardon me if I feel that the Government of India agreed to the Reciprocity Bill passed in the last session merely because they regarded it as enunciating a sound principle and not because they thought that it would be capable of being put into operation as it was. I do not want to be uncharitable to the Indians Overseas Department with whom I come frequently into contact and to whose general attitude towards questions relating to Indians overseas I must pay a warm tribute. I feel, nevertheless, that the Government of India did not devote that attention to the language of the Bill that was passed in the last session which they ought to have done.

Sir, while according my warm support to the Bill before us I should like to point out its limitations. Clause 4 of the Bill makes provision for treating persons of those Colonies where Indians are subjected to any disability on the same way as Indians are treated in the territories to which the persons subjected to restriction in India belong. One of the things referred to in this clause is the exercise of the franchise. So far as I have been able to find out, it is, to say the least, very doubtful whether the Government of India can, so long as the Government of India Act, 1935, stands, impose on any person belonging to any other territory any restriction in the matter of the exercise of the franchise. I hope that my Honourable friend Mr. Bozman will make the situation in this respect thoroughly clear. As I have said, it seems to me personally that taking the law as it is, no restriction can be imposed on the exercise of the franchise in India by the residents of any Dominion or Colony against which we might want to proceed. This is a very important matter. Franchise is the basis of citizenship and if we are going to take action which would virtually amount to excluding a person

from the rights of citizenship, I think the most important thing that we should consider is the exercise of the franchise. If my reading of the present law is correct, I ask, and ask with all the emphasis that I can command, that His Majesty's Government should be approached with a view to making such alterations in the Government of India Act as would enable the Government of India to impose restrictions in respect of the franchise along with the restrictions in respect of other matters on the inhabitants of those Colonies or Dominions where Indians are not fairly treated.

The second question to which I would like to invite the attention of the Government of India is also a very important one. Clause 3 of the Bill before us, to which I have already referred, deals with the restrictions that might be imposed in respect of the holding of public offices in India. Here again, the position does not seem to me to be satisfactory. Under section 111 of the Government of India Act, 1935, we can prevent British subjects not domiciled in the United Kingdom from entering British India and place restrictions on those that are allowed to enter. Under section 119 of the Act, however, no action, generally speaking, can be taken against persons who are already in India. Perhaps it will be useful if I read out section 119(2), which seems to me to bear on this question. The sub-section runs as follows :—

“ The Governor General or a Governor shall not give his sanction for the purposes of the preceding sub-section (which I need not read out) unless he is satisfied that the proposed legislation is so framed as to secure that no person who, immediately before the coming into operation of any disability, liability, restriction or condition to be imposed by or under that legislation, was lawfully practising any profession, carrying on any occupation, trade, or business, or holding any office in British India shall, except in so far as may be necessary in the interests of the public, be debarred from continuing to practise that profession, carry on that occupation, trade or business, or hold that office, or from doing anything in the course of that profession, occupation, trade or business, or in the discharge of the duties of that office which he could lawfully have done if that disability, liability, restriction or condition had not come into operation. ”

It seems to me, Sir, that this sub-section debars us from taking action of the kind contemplated in clause 3 of the Bill before us against the residents of any of the offending Colonies or Dominions if they are already in India. This, Sir, is an important matter. The Bill before us authorises the Government of India to take action on a basis of reciprocity against those British Possessions where Indians are not properly treated. It seems to me however that none of the restrictions contemplated in this Bill can be imposed on, say, South Africans, who are already in this country.

Sir, I do not know whether there is any law in South Africa debarring Indians from being appointed to the higher services of the Union ; but we do know that in practice Indians are as effectively shut out from occupying such offices as if there were any legislative prohibition on the subject. It is clear therefore, Sir, that on a basis of reciprocity we can take action against those South Africans who are employed in the public services in India. It may however be said here that though the South African authorities do not appoint Indians to high public offices, the situation in India is very different.

THE HONOURABLE THE PRESIDENT : I do not follow your argument. Do you contend that the Act as amended will be unworkable ?

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : What I say is that notwithstanding this Bill we shall be able to do very little indeed in relation to people belonging to Colonies and Dominions which unfairly treat Indians who are in India already. We shall be able to take action only against new entrants. We can impose any restrictions we like on them in accordance with the provisions of the Government of India Act, 1935, but it seems to me that we can take no such action against such persons already living in India and unless His Majesty's Government come to our help by suitably amending the Government of India Act the Bill that we are passing will remain a dead letter in respect of those persons against whom we should like to proceed but who to our misfortune are already in this country.

Sir, I was pointing out that in South Africa Indians are not allowed to occupy high positions in the public services. This at least is the practice of the Union Government and I was contending that this entitled us to proceed against those South Africans who were already holding office or carrying on any profession in this country. I was going on to deal with the objection that what I am now suggesting is not that South Africans should in future be debarred from employment in any specified service or

[Pandit Hirday Nath Kunzru.]

services or from exercising any profession but that the vested rights of the people who are already in service and who were employed at a time when the restrictions mentioned in the Reciprocity Bill had not been imposed should be taken away from them. Sir, it seems to me that such an argument has not much force in it. We have in the first place to see the general course of South African policy. If we do so, we shall find that the vested rights of Indians have been taken away from them repeatedly during the last 50 years. Indians enjoyed its political franchise, at any rate in certain parts of the South African Union; but they were deprived of. They were however allowed to continue to exercise the local franchise, that is, franchise in respect of the local bodies, in certain territories under the Union Government. They have been deprived of that franchise too. Again action has been repeatedly taken by the Union Government or under their authority to restrict the trading rights of Indians and at one time an active boycott of Indian traders was carried on by the European community, so that Europeans might not be able to make their purchases from the Indian shops to which they were accustomed to go. I understand that European volunteers stood in front of Indian shops to prevent European customers from approaching them. They did not care whether the Indian business men were ruined or not. Indeed they would have been very glad had Indian shops been closed down. This shows, Sir, that South Africans are no respectors of the vested rights of Indians. Take again the question

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of ownership or occupation of property in certain areas. When the pegging legislation was first passed in regard to the Transvaal, that is in 1939, it was understood that existing rights would be respected. Since the passing of the pegging legislation of 1943 however, it seems that Indians have lost the protection which they formerly enjoyed. There was only two or three days ago a telegram published in the daily papers which was to the effect that as a result of the pegging Act of 1943 hundreds of Indian and coloured families would become homeless. It is alleged that the police have served notices on numerous families in Fordsburg (Johannes) to vacate their premises and about a month ago an Indian living in Fordsburg was fined £10 and ejected from his house. The South African Indians claim that when the pegging Act was passed in 1939 protection was granted to persons living in non-exempted areas but that with the passage of the recent legislation to which I have already referred that protection has been taken away. Accordingly prosecutions have been instituted against Indians under the Gold Act, 1908. The House can well imagine what will be the difficulties of the Indians who are threatened with eviction from the houses which they occupy. There is a shortage of houses in South Africa owing to the war and I fear that many of those on whom notices of eviction have been served by the Union Government will be rendered homeless.

It is obvious, Sir, from these examples that the South African Government have repeatedly taken away our vested rights from us. I shall however give one more example and that too in connection with the Union pegging legislation to which I have already referred. When the position of Indians in South Africa was considered in this House the other day I pointed out that the Pegging Act did not deprive the Indians in the Transvaal merely of the opportunity of acquiring land but also of the right to trade in any part of the Transvaal or shift their business in a township from one place to another. These were rights already enjoyed by Indians. These are rights which affect those Indians who are already carrying on trade in the Transvaal but those rights have at any rate been temporarily taken away from them, even though the first Broome Commission clearly pointed out that there was no reason for proceeding with the pegging legislation in the Transvaal.

I think, Sir, in view of the illustrations that I have given that we can on a basis of reciprocity proceed against those South Africans who are employed under any public authority in this country. It gives me any pleasure to suggest that people who have been in the employment of the Government of India or of any provincial Government or who have been employed in any *quasi* public service should now be deprived of their livelihood; it causes me no little pain to suggest a measure of that kind. But I hope, Sir, that Government and the world at large will recognise that we have not acted with undue haste in order to vindicate the honour of our countrymen

in South Africa. We have waited long and patiently. We have tried the method of negotiation. We have done all that we could to represent matters to the Union Government and but have so far continued to hope against hope that the Union Government would change its policy towards Indians. We thought, Sir, when Indians and South Africans fought side by side in North Africa that their comradeship during the war would exercise a restraining influence on South African politicians and that in view of the proof of practical friendship which Indians had given by shedding their blood for the British Empire no further anti-Indian measures would be adopted by the Union Government against which they have serious complaints, but our hopes have been dashed to the ground and the Union Government have even at this time, when unity between different parts of the British political organisation is essential, proceeded against Indians in such a way as to cast the stigma of inferiority on them as a race. The Government of India only asked the Union Government that no action should be taken by means of legislation against Indians resident in South Africa. They were prepared to concede that where action against the Indian community was considered essential it might be taken administratively. The Union Government turned down this very modest request and took up the indefensible position that restrictions on the Indians should be imposed not administratively but by means of legislation. Such a policy was stoutly opposed by Mahatma Gandhi in the past. He fought against it while he was in South Africa, and it was hoped that the Union Government will in future not pass discriminatory legislation against our countrymen in South Africa. But for the first time such legislation has been passed—and it has been passed while the war is still going on. I think, Sir, that we should be amply justified in asking in view of this that the South Africans who are employed in the public services or in any *quasi*-public service should be removed from their posts. The number of South Africans employed in this country may not be large, but none of the measures that we can take at present time can prove so effective as to compel the Union Government to accord just treatment to our nationals in South Africa. The Government of India, however, seem to be prepared to take such action as lies within their power, whatever its efficacy might be. There is no reason, therefore, why they should be reluctant to proceed against those South Africans who are already employed in certain capacities in this country.

I say again that it is a matter of profound regret to me to suggest such a step. We have so far resolutely set our face against depriving citizens of any Dominion in this country of their vested rights even when our countrymen in that Dominion were not being properly treated. But I do not think, Sir, that it will be fair to this country or to the Indians in South Africa if we refrain from taking such action now. The situation that has been created in South Africa is not due to us. We are not responsible for it. The fullest responsibility for it must be borne by the Union Government, and I think we can, therefore, with a clear conscience, proceed to take action against the South Africans employed in this country in the manner I have suggested.

We can however, take no such action unless His Majesty's Government come to our aid. Sub-section (2) of section 119 of the Government of India Act, which I have already read out, seems to me to show that we are debarred from taking action in respect of the matters specified in that sub-section against persons who, immediately before the coming into operation of any disability or restriction, were lawfully practising any profession or had been engaged in any trade or business or were holding any office. The sub-section can be changed only by Parliamentary legislation, which can be undertaken only by His Majesty's Government. Sir, the changes I have suggested will be a test of the sincerity of His Majesty's Government. I have no doubt that the principle underlying the Bill that we are considering has already been accepted by His Majesty's Government, or the Bill would not have been introduced. If this supposition is correct, then it is the duty of His Majesty's Government to put us in a position to use the law that we are passing as effectively as it can be used at the present time. If however, His Majesty's Government fail to accede to our request in view of the susceptibilities of the South African whites, the responsibility for the state of things that exists in South Africa will then rest on their shoulders. They have so far, if I may say so, evaded their responsibility to protect our rights by saying that the Government of India could negotiate directly with the Union Government. They have, it seems to me, taken shelter behind this excuse in order that they might not have to put pressure on the Union Government, in such friendly ways as are

[Pandit Hirday Nath Kunzru.]

open to them, to make them treat Indians more fairly. They will, if they refuse to make the amendments that I have suggested, have to shoulder themselves the responsibility of leaving us in a position which is inconsistent with our self respect.

Sir, there is only one thing more that I should like to say before I sit down. The question of commercial sanctions should be considered along with other questions in connection with the Bill. I have no doubt that this matter is engaging the attention of the Indians Overseas Department. But I hope that there will be no hesitation on the part of the Government of India in this matter merely on the ground that if South African trade were hit in any way it would affect the relations between South Africa and His Majesty's Government in the United Kingdom, or would affect South Africa's efforts in connection with the war. The South African Government and His Majesty's Government know very well what effect the unfair treatment, the humiliating treatment of Indians in South Africa is having in this country at the present time. If they have taken no steps to remedy the present state of things, or if they are powerless to take any such steps, they have no moral right to prevent us from asserting our rights by taking such action as we can against South Africa which has imposed unjust and galling disabilities on our country. If the efforts of the South African Government in connection with the war are impeded in any direction, the responsibility for it will rest on them. If they want that no restrictions should be imposed on South Africans in this country generally or in respect of their commercial dealings with India, it is up to them to change their policy so that Indians may not be insulted as a race, and this country which is being appealed to daily for the maximum help in connection with the war should not be unnecessarily humiliated.

Sir, I do not wish to detain the House with any further observations. I have already stated that I give the Bill before us my whole-hearted support. But I would like, before sitting down, to impress the importance of a suitable change in the Government of India Act, 1935, once more. Unless the Government of India Act is changed, our power to impose restrictions in several directions in this country will be more nominal than real. We shall be able to deal only with those South Africans who wish to enter India later on but we shall be powerless against those who are already here.

*THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR (Madras : Muhammadan) : Sir, I give my support to the Bill but in doing so I must confess to a feeling of profound regret. Sir, it is no matter for gratification that this House should be asked to enact a measure which runs counter to our old traditions. Asia, Sir, in general, and India, in particular, has always been known for its hospitality. Any people coming from other countries and settling down amidst us have always found a very ready and safe asylum. The protection of the rights and liberties of strangers and the safeguarding of their interests has always been regarded by Indians as a matter of sacred trust. But, Sir, contrary to our traditions and much against our natural inclinations, we are now forced to give sanction to a measure which is meant to take retaliatory steps against people who are found amidst us. But the responsibility for this is not of our making. The whole responsibility is of the people who have forced us to this painful necessity. The responsibility is of those people who having enjoyed the blessings of the sojourn of Indians in their countries and having profited by their labour, by their industry, by their honest and enterprise, now wish to drive them out of their own places. Therefore, Sir, I am not ashamed to give my support to the measure before this House though I do so with a pang of regret.

Sir, as has been said by the Honourable Mr. Bozman, this measure has been brought before the House with a view to make operative those parts of the original Act which in practice were found to be ineffective. I do not want to say anything much about the undesirability of enacting any legislation which afterwards is found to be defective in operation. It would have been better if the defects had been found in time and it was not necessary for us to make up the deficiency now. But, in spite of the curing of the present defects, it is felt that this measure will hardly give us the power which is necessary for the present circumstances. As has been said by my Honourable friend Dr. Kunzru, this Bill, even if it is put into full operation, will not give us the power that is wanted. It will not enable us to take any action against

those people who are already settled in our country. It will not empower us to take any action as regards those disabilities which are imposed upon our countrymen in other parts of the British Empire where it is not the written law, the law of the land, to impose those disabilities upon them but where the practice has been to impose those handicaps upon trade, profession and residence on our people in those countries. As has been pointed out by the Honourable Dr. Kunzru, it is not known whether there is any legislation preventing Indians from being appointed to any high placed post in the public service of South Africa. But the fact is that all along, from time immemorial, from the days they have been there, no Indian has found a place in any of the higher ranks of the public service in that country. It may be that there is no law imposing this restriction upon Indians but the practice has been consistent. The practice has been quite uniform. The result is that you find no Indian in any high posts in the public service of the country in South Africa. I do not know, Sir, whether we can take any retaliatory action in respect of this matter. The practice, if at all it has to be put into effect, will have to grow from now and it is now that we want real power to make the people in other countries feel that their mischiefs would recoil on their heads, as has been observed by the Honourable the Overseas Secretary. After all, I feel that the Bill which we are now enacting is not going to be a permanent scheme on the Statute-book of this country. This is only a temporary measure. The effect of our action would be to bring those people in other countries, particularly in South Africa, to their senses. We hope, Sir, that even though negotiations have failed now, future negotiations, backed as they would be, by this retaliatory action which we are now taking, would be more fruitful.

For the present it is necessary, as has been pointed out by the previous speaker, that even for any little effect to be produced, there should be an amendment of the Government of India Act. Sub-section (2) of section 119, to which pointed attention was drawn by the Honourable Dr. Kunzru, should be amended if at all we can take action which will be felt by the Colonies.

With these words, Sir, I give my support to this Bill.

THE HONOURABLE RAI BAHADUR LATA RAM SARAN DAS (Punjab : Non-Muhammadan) : Sir, I rise to give my support to the Bill which is now before us. I fully endorse whatever my Honourable friend Dr. Kunzru has said. I think that at this time when the British Prime Minister and other responsible statement in Britain have paid a tribute to the services of the Indian troops, it behoves the British Government not to evade the issue but to intervene in the matter and get Indians the rights which they legitimately are entitled to or give constitutional power to India to retaliate in the manner it likes. The question of franchise is a very important one and even the rights which the Indians hitherto enjoyed are being taken away from them. At this time the co-operation of all those countries which are helping the Allies is a very important factor. The question of colour and creed should vanish and the rights of Indians overseas should be respected by the Colonial as well as the Dominion Governments. It has been acknowledged by the authorities that the Japanese and the Russians are showing the right spirit in the field. His Excellency the Commander-in-Chief rightly said that everybody should co-operate with the Government and give them their full support. Notwithstanding all these restrictions and the one-sidedness on the question of race and creed, Indians have been coming forward to offer every possible help to the Allies and to the British Empire, and I would consider it a great mistake on the part of the authorities concerned to overlook their claims and direct them to fight for their rights direct with Union Government. When such differential treatment is being meted out when the war is on and their co-operation is needed, I do not know what will be the plight of Indians when the war is won. I therefore strongly beseech the British Government through the Indian Government to restore to the Indians the rights that they possessed, trade and other rights which are being denied to them and get the Government of India Act amended as suggested by Dr. Kunzru. With these words, I give my full support to the Motion.

*THE HONOURABLE MR. V. V. KALIKAR (Central Provinces : General) : Sir, when I sponsored this Bill in this House I never thought that we will be required to take retaliatory measures so soon as this. In fact my friend Mr. Deshmukh who sponsored this Bill in the other House never thought of these measures and I also did not think of them then. But, Sir, the action of the Union Government has forced us to adopt measures of this sort and I congratulate the Government of India for taking

[Mr. V. V. Kalikar.]

the earliest opportunity to make necessary changes in the Bill and to bring it before the House for its approval.

We had a discussion on the Motion the other day about South Africa. A suggestion was made by my Honourable friend Mr. Parker about negotiations and representations. Those who have faith in negotiations and representations can carry on the negotiations and representations to any length of time. But I think now the time has come when negotiations and representations will have no effect unless we take some drastic action. The difficulty of taking drastic action has been stated before this House by my Honourable friend Randit Kunzru and I think that His Majesty's Government should take the earliest opportunity to amend the section of the Government of India Act, so that we can take measures which are in the Bill, so that the Union Government and especially the white settlers there will come round to the view that Indians are after all human beings, they ought to be treated as human beings, they ought to be given their rights, usual rights of citizenship and franchise and they should withdraw the legislation that they have passed now. Some say that General Smuts has passed this legislation because he wanted to win the election. Personally I do not believe that statement. An extract of the speech of the Right Honourable Srinivasa Sastri which I read the other day shows clearly that General Smuts is against Indians. If he is against Indians, India should not be blamed for taking such a drastic action as is envisaged in the Bill. The responsibility now comes in of His Majesty's Government. If His Majesty's Government do not take early steps to amend the Act and allow the Government of India to take retaliatory measures, India will have to say—and say bluntly—that it is not only the Union Government which is responsible for this sort of treatment that is meted out to our nationals, but His Majesty's Government also desire that our nationals should be treated in this way. I wish the Government of India should bring this fact to the notice of His Majesty's Government and His Majesty's Government ought to take courage in both hands and bring pressure on the Union Government and on the white settlers there—in the Dominions as well as in the Colonies—that our nationals who have settled there permanently, who have enriched their country by their labour, by their capital, by their industry, should be treated as human beings, should get equal rights of citizenship and should not be treated as cattle. I therefore whole-heartedly support the Bill and request the Government of India to bring pressure on His Majesty's Government to get the Government of India Act amended.

*THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan): The original Bill was moved by a private member and it took two years for it to get through the Legislature. That shows how scant attention was paid by the Government of India to this measure when it was conceived. It is only a chance and due to the fact that General Smuts has put his foot down that the Government of India has been forced into activity to bring this amending measure. We cannot blind ourselves to the realities of the situation. Had India any power our nationals would not have been treated in South Africa as they are being treated. It is a well-known fact, Sir, that in spite of having an anti-Asiatic measure in South Africa, independent countries like Japan were to all intents and purposes exempted from all the disabilities imposed under that Act as far as temporary residence and temporary businesses were concerned. Now that is an object lesson to us of the unreality of the British Commonwealth. They had better call it a Commonwealth of Europeans—it does not matter whether he is a German, Italian, Russian or anybody as long as he is a European he is a member of the British Commonwealth of Nations. In every Colony you find that as far as the white man is concerned there is no discrimination, but it is only we who have the misfortune of having no rights in the British Empire who are treated in the matter in which we are being treated. General Smuts, who on occasions champions the rights and liberties of others in enemy-occupied countries forgets everything when he has the power to do justice. He is not only out to deny us favours; he denies us even the inherent rights and for what fault of ours? What is the fault of Indians which they have committed at the moment that this pegging legislation has been passed? I want, Sir,—I was going to say my own Government but I would rather say the British Government of India,—to realise that it owes a responsibility and it has to face it. Action, Sir,

* Not corrected by the Honourable Member.

and not words count. This measure, however welcome it might be, is not enough. It is very defective, merely a gesture, and in order to make it effective two things are essential. First of all, Sir, the amendment of the Government of India Act as envisaged and pointed out by Mr. Kunzru must be made. I want that His Majesty's Government should clearly indicate that they have their sympathy with India. They can plead that South Africa is a self-governing Colony and that therefore they cannot force it, but I want to test the *bona fides* of His Majesty's Government by removing these disabilities under which the Indian Legislature labours. The Indian Legislature cannot legislate on the matter until the Parliament and His Majesty's Government gave their sympathetic consideration to this measure of ours. If His Majesty's Government is not prepared to do this we will know where we stand and we will know the colour of the future peace that is to descend on India after this war. I do not believe in anything. I believe only in action: words are nothing to me. Let His Majesty's Government prove its *bona fides*—that it is behind India. The Government of India must press this point and boldly state it publicly that they tried their best but they have failed due to His Majesty's Government's refusal. I do not want to pick up a quarrel with the Government of India. I want, however, that the real culprit should be brought to book and in nine times out of ten you will find that it is His Majesty's Government and not the Government of India.

Secondly, Sir, the question of denying franchise to South African nationals is a very important one. It is not very effective, Sir, but it helps us to save our own self-respect. I do not want that a right which is denied to my nation should be enjoyed by a person who denies it to my own people. I for one, Sir, believe that trading sanctions are better instruments if employed especially at this moment when there is no free communication and there are difficulties in obtaining materials. The Government of India should not think that merely by taking steps under the Reciprocity Act their responsibility will be removed. Nothing of that sort will happen. Every method, every measure which can possibly be taken to force South Africa to come to its senses and realise its responsibilities must be taken by the Government if it believes that it has any duty to India. If it believes that it owes a duty only to His Majesty's Government in England of course it is free to do whatever it likes. We can then have no quarrel but as long as they pose as champions of India and of Indian's rights and interests it is inconsistent with lip-sympathy for India and inaction which could be expressed by taking shelter behind this Bill. I would like the Honourable the Secretary to point out to us, if there is any possibility, what measures can be enforced in India. I mean, are there enough numbers of South Africans resident in India, carrying on business in India, or being employed in the Government of India? I really think, Sir, that this measure will not obtain the object which we have in view. It is a very forceful method of expressing our displeasure and nothing more. More, if you want, can be done by taking executive action in the matter of trade and commerce and these two things must be done simultaneously. I would sound a note of caution. I do not want to pick a quarrel. I believe more in getting things done by agreement than by using forceful methods. I would ask the Government to explore all avenues and on their failure we must go full steam ahead: there must be no half measures. The time that you are spending in negotiations must also be spent in drafting out a complete scheme of retaliatory measures which we propose to take, including the devolution of power from Parliament for this Legislature to take measures which we are debarred from taking under section 119.

Sir, with these words, I give my whole-hearted support to this Bill.

THE HONOURABLE MR. G. S. BOZMAN: Sir, I have listened with great care to the observations made by Honourable Members on this Motion now before the House. There are two points in particular to which I should like to give a very short reply. Both of them were raised by my Honourable friend Pandit Kunzru. He asked me, first, what the position was with regard to restrictions upon franchise if this Bill was enacted. The position, as I understand it, and as I am informed, is exactly as stated by him. There is no power in any Legislature in India to alter the qualifications for the franchise. Both he and other members of this House have made the suggestion that, if that is the case, we should make representations to His Majesty's Government that that power should be vested in the Government of India—at any rate, as I understood, him, for the purposes of this particular

[Mr. G. S. Bozman.]

measure. That view expressed by this House is taken note of by the Government of India.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : " May I ask the Honourable Member to clarify the position further ? Are the Government of India only considering the matter, or have they arrived at any particular view in regard to it ? They must have been considering it for a long while.

THE HONOURABLE MR. G. S. BOZMAN : I have stated what I have to say, which is that the Government of India have taken note of the views expressed in this House, and of the same views which have been expressed elsewhere.

The other point raised by the Honourable Pandit Kunzru was with regard to the holding of public office ; and he expanded on that in relation to the South Africans in particular who happen to be in this country at this time and are holding public office of some kind or other. He was quite right in pointing out that section 119(2) of the Government of India Act restricts the legislative power of the Governor General and of Governors in Provinces to the extent prescribed in that section. But there are, I think, two points which should be borne in mind in that connection. The first is that sub-section (2) of section 119 embodies a principle for which we ourselves have stood strongly with reference to more than one other country in the Commonwealth, and it is a principle which we should not lightly abandon. Secondly—and this perhaps is of more immediate importance—as my Honourable friend Pandit Kunzru pointed out, there is no legislative or statutory restriction upon Indians in regard to holding of office in many places. It is in fact administrative practice—a matter for rules and I should point out that section 3 of this Bill states : " Where by the law or practice of any British possession ". And the practice is a practice which we can ourselves adopt, whether reciprocally or not. Practice is purely an administrative matter, and is not, as I understand it, governed by any prohibition upon legislative authority or powers. But I would point out again that that is a serious matter which has been raised recently, involving, as I said, a principle on which we have insisted to some extent in our relations with other countries.

Members speaking today have very naturally paid attention to the position now subsisting between ourselves and South Africa. But I did point out in my opening speech that this Bill is of general application. We have to think of the reactions not only in South Africa, but also in Ceylon and the West Indies and Fiji, and, later, in Burma and Malaya and elsewhere. Therefore, if we are to take action which is action involving a principle, I suggest that we must be sure in our minds that that action will not bring about unfavourable and undesirable reactions elsewhere in the Commonwealth.

References were made to the desirability of taking other action against South Africa. It seems to me, if I may say so, that that is quite outside the scope of the present discussion, which is to pass the Reciprocity Bill.

With these words, Sir, I move.

THE HONOURABLE THE PRESIDENT : Motion moved :—

" That the Bill to amend the Reciprocity Act, 1913, as passed by the Legislative Assembly, be taken into consideration "

Question put and Motion adopted.

Clauses 2 to 7 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. G. S. BOZMAN : Sir, I move :—

" That the Bill, as passed by the Legislative Assembly, be passed "

THE HONOURABLE DR. N. B. KHARE (Indians Overseas Member) : Sir, I did not want very much to speak and to hear my own voice, which is not very musical. But lest my silence should be misunderstood as an act of discourtesy, I desired to open my lips.

Sir, the measure which is now before the House has already been passed in the Assembly. It has been discussed at great length ; and all its advantages and disadvantages, and the powers it gives and the limitations which there are,—all these have been taken notice of by Government. I know that there is a great demand for disenfranchising South Africans who are residing in this country. I know also that there is a strong demand—according to me, a legitimate demand, a natural demand, a just demand—to deprive them of any vested interests that they may

have acquired in this country by their long stay here. I also find from papers that Indians there are being subjected to the most inhuman treatment, that people who have settled for thirty years—for a generation—are being forcibly ejected. No civilized government in any country in the world can contemplate such measures with equanimity and supine inactivity. I grant all that. And I think that if this measure is passed and brought into force, it will not go a great way towards relieving the distress of our people. I realise that also. I do not shut my eyes to it. But I am constrained to say, it pains me to say, that the situation which obtains in these matters is due to circumstances which are beyond our control and which we cannot help. We all know, Sir, that we are a Dependency and South Africa is, as they call,

an independent Dominion. All those disabilities which are involved in this matter are there. We cannot shut our eyes to them. We may try our best to get them removed. That is understandable and that should be done and will be done. Whether we will succeed, it is not for me to say. I do not think I need go into the merits of the Bill; it is not desirable. The Bill has been thoroughly discussed in both the Houses and I am sure that this House will pass it.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Mr. President, I welcome the speech delivered just now by the Honourable member in charge of the Indians Overseas Department, I should, nevertheless, like to remove one misconception which my Honourable friend Mr. Bozman seemed to be labouring under with regard to the remarks that I made. His speech left on my mind the impression that he thought that I wanted legislation to be passed referring to South Africa by name and debarring South African nationals as such from being appointed to any public office in India. I asked for nothing of that kind—

THE HONOURABLE MR. G. S. BOZMAN : I never understood him in that sense, Sir.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : If that is so, Sir, I shall not deal with that point any more. There was, however, one other point in my Honourable friend's speech which did not seem to me to be in consonance with the facts that I had pointed out. He drew our attention to the fact that we ourselves had in the past asked that vested rights should be respected. That is perfectly true. But he made no reference whatsoever to the illustrations that I had given showing that the Union Government of South Africa had on more than one occasion deprived us of old and well-established rights—

THE HONOURABLE THE PRESIDENT : You said that in your speech.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Yes, but my Honourable friend did not refer to it and I thought that he did me less than justice in ignoring what I had said and emphasising only the objections to depriving persons already enjoying certain rights. Of those rights I am well aware of the objection that can be taken in general to a proceeding of that character. But such an objection has no basis in equity in South Africa. The South Africans have treated us unjustly on so many occasions that I think we can claim legitimately that the Government of India should be empowered to take action against South African nationals employed in this country in perfect consonance with the position taken up by us in respect of vested rights in general. There is no other country in respect of which we have taken such action and we would not have liked to take such action even against South Africa. We would have liked that matters at issue between us and South Africa should be settled by negotiation. But what are we to do when South Africa rejects our representations and proceeds in such a way as to show that it treats old rights as of no account whatsoever? If the Union Government of South Africa deprives us of our old and cherished rights, there can be no legitimate complaint against our removing from our services those South Africans who are employed there.

THE HONOURABLE THE PRESIDENT : Motion moved :
“ That the Bill, as passed by the Legislative Assembly, be passed ”.

Question put and Motion adopted.

The Council then adjourned till Eleven of the Clock on Thursday, the 12th August, 1943.

COUNCIL OF STATE.
Thursday, 12th August, 1943.

The Council met in the Council Chamber of the Council House at Eleven of the Clock, the Honourable the President in the Chair.

MEMBER SWORN :

The Honourable Mr. Narayanan Raghavan Pillai (Commerce Secretary).

QUESTIONS AND ANSWERS.

UNITED NATIONS CONFERENCE ON FOOD AND AGRICULTURE AT HOT SPRINGS.

132. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH : (a) Is it a fact that about 38 nations took part in a conference with the United States on post-war food problems about the last week of April 1943, which was held in the U. S. A. which among others considered the possibilities of international agreements designed to assure efficient production of essential agricultural products at prices equitable to both the consumer and the producer ?

(b) Was India invited and represented in this Conference and if so, by whom ? What were the decisions arrived at in this conference so far at least as India is concerned ?

THE HONOURABLE MR. N. R. PILLAI : The United Nations Conference on Food and Agriculture was held at Hot Springs, Virginia, and lasted from May 18th to June 3rd. Forty-four nations were represented at the Conference. The Indian Delegation consisted of—

Sir Girja Shankar Bajpai, Agent General for India, Washington ; Chairman of the Delegation.

Sir Phiroz Kharegat, Vice Chairman, Imperial Council of Agricultural Research.

Sir David Meek, Indian Trade Commissioner, London.

Mr. H. S. Malik, Indian Trade Commissioner, New York.

Dr. W. R. Aykroyd, Director of the Indian Institute of Nutrition Research.

The resolutions and recommendations of the Conference are embodied in a document known as the Final Act of the Conference, a copy of which has been placed in the Library of the Legislature.

THE HONOURABLE MR. HOSSAIN IMAM : No reply has been given to part two of the question, Sir.

THE HONOURABLE MR. N. R. PILLAI : I would beg my Honourable friend to have a look at the document called the Final Act of the Conference.

INTER-ALLIED TEXTILE CONFERENCE.

133. THE HONOURABLE RAJA YUVERAJ DUTTA SINGH : Will Government state whether India has been invited to attend a full-scale conference to which representatives from the Dominions and the Allied countries have been invited to discuss and settle the distribution of the World's textile supplies during the duration of the war, and some years of peace ? If so, who is to represent India ; and what steps have Government taken, or propose to take to safeguard the textile and other allied interests of India, against unfair foreign and international competition ?

THE HONOURABLE MR. N. R. PILLAI : Government are not aware that any such Conference is being convened, but they understand that the Combined Production and Resources Board and United States of America have been making, in respect of textiles of all kinds, a survey of the production and requirements of the United Nations.

THE HONOURABLE MR. HOSSAIN IMAM : Have the Government of India submitted any memorandum on this subject ?

THE HONOURABLE MR. N. R. PILLAI : No, Sir.

THE HONOURABLE MR. HOSSAIN IMAM : Have they been invited ?

THE HONOURABLE MR. N. R. PILLAI : No, Sir.

NUMBER OF APPOINTMENTS CREATED IN THE FOOD DEPARTMENT.

134. THE HONOURABLE MR. HOSSAIN IMAM : Will Government give the following information about the Food Department of the Government of India :—
 (a) The number of posts created since 1st March, 1943 by different salary grades ;
 (b) the number of Hindus, Muslims and Europeans and others appointed in each grade ;
 (c) whether communal proportions apply to these, if not, how were they exempted from the Home Department 1934 circulars ; (d) the number of posts (by pay grades) advertised and proposed to be advertised in the near future ; (e) full statement of the proposed line of action of the Food Department to tackle the situation ; (f) a categorical statement whether price fixations will be adopted for wheat and rice in the current financial year or not ?

MAJOR-GENERAL THE HONOURABLE E. WOOD : Parts (a) and (b) A statement giving the required information has been laid on the table of the House.

Part (c)—Yes.

Part (d)—

Gazetted—

1 post of Deputy Regional Food Commissioner—pay Rs. 1,000—1,500.

1 post of Assistant Regional Food Commissioner—pay Rs. 600—800.

7 posts of Area Inspectors of Food—pay Rs. 1,000—1,500.

50 posts of Resident Inspectors—pay Rs. 350—800.

7 posts of Hygiene Officers—pay Rs. 350—800.

Non-gazetted—

4 posts of Acceptance Officers—pay Rs. 175.

1 post of Estimator—pay upto Rs. 250.

50 posts of Analytical Chemists—pay between Rs. 150 to 300.

1 post of Stenographer—pay Rs. 125—300.

Parts (e) and (f) —Government propose to cover these points during the discussion on the food situation shortly to take place.

Department of Food.

(a) Number of posts by different salary grades created since 1st March, 1943. (b) Number of Hindus, Muslims, Europeans and others appointed in each grade.

| Name of post. | Grade. | Number. | Hindus. | Muslims. | Europeans. | Others. | Vacant. | Total. |
|----------------------------------|---|---------|---------|----------|------------|---------|---------|--------|
| <i>Main Secretariat.</i> | | | | | | | | |
| <i>Gazetted.</i> | | | | | | | | |
| | Rs. | | | | | | | |
| Rationing Adviser. | 2,500 | 1 | .. | .. | 1 | .. | .. | 1 |
| Under Secretary (P. C. S. Grade) | 760 + 300 Special pay | 1 | 1 | .. | .. | .. | .. | 1 |
| Superintendent | 600—40—800 | 1 | 1 | .. | .. | .. | .. | 1 |
| <i>Non-gazetted.</i> | | | | | | | | |
| Assistants | 200—15—500 (old scale) 140—10—280 (E. B.)—10— 310—15—400 (new scale). | 19 | 5 | 3 | .. | 1 | 1 | 1 |
| III Div. clerks | 60—3—105—4—125 (E. B.) —4—145—5—170. | 24 | 14 | 8 | .. | .. | .. | 24 |
| Stenographers | 125—5—180—10—300. | 4 | 3 | 1 | .. | .. | .. | 4 |
| <i>Inferior servants.</i> | | | | | | | | |
| Record sorter | 20—1—40 | 1 | .. | 1 | .. | .. | .. | 1 |
| Dufries | 15—1—20—1—30 | 3 | 1 | .. | .. | .. | 2 | 3 |
| Peons | 14 to 16 | 16 | 5 | 4 | .. | 4 | .. | 16 |
| Total | | 61 | 21 | 12 | 4 | 4 | 2 | 61 |

Directorate General, Food.

| Name of post. | Grade. | Number. | Hindus. | Muslims. | Europeans. | Others. | Vacant. | Total. |
|-------------------------------------|-----------------------------------|---------|---------|----------|------------|---------|---------|--------|
| <i>Gazetted.</i> | | | | | | | | |
| Dy. Director General (Grains) | Rs. 2,750 | 1 | .. | .. | 1 | .. | .. | 1 |
| Asstt. Director General (Purchase) | 2,130 | 1 | .. | .. | 1 | .. | .. | 1 |
| Director of Grains | 2,000 | 1 | .. | .. | 1 | .. | .. | 1 |
| Asstt. Director of Grains | 600 | 1 | .. | .. | .. | .. | .. | 1 |
| Asstt. Director of Grains | 550 | 1 | 1 | .. | .. | .. | .. | 1 |
| Dy. Asstt. Director of Purchases | 350-400-25-550 | 2 | 2 | .. | .. | .. | .. | 2 |
| Industrial Planning Officers | 300 | 2 | 2 | .. | .. | .. | .. | 2 |
| Asstt. Industrial Planning Officers | 175-200-25-300 | 8 | 2 | 2 | .. | 1 | 4 | 9 |
| Veterinary Officers | 175 to 300 | 30 | .. | .. | .. | .. | 30 | 30 |
| <i>Non-gazetted.</i> | | | | | | | | |
| Acceptance Officers | 175 | 8 | 2 | 2 | .. | .. | 4 | 8 |
| Superintendent | 400-20-500 | 1 | 1 | .. | .. | .. | .. | 1 |
| Assistants | 140-10-280 (E. B.)-10-310-15-400. | 12 | 6 | 4 | .. | 1 | 1 | 12 |
| II Div. clerks | 120-9-300 | 11 | 7 | 3 | .. | 1 | .. | 11 |
| III Div. clerks | 80-4-120-5-200 | 29 | 14 | 7 | .. | 2 | 6 | 29 |
| Stenographers | 60-2-80-3-125 | 3 | 1 | .. | 1 | .. | 1 | 3 |
| Estimator | 125-5-180-10-300. | 1 | .. | .. | .. | .. | 1 | 1 |
| <i>Inferior servants.</i> | | | | | | | | |
| Jamadars | 22-1-40 | 1 | .. | .. | .. | .. | 1 | 1 |
| Dutries | 15-1-20-1-30 | 8 | 4 | 4 | .. | .. | .. | 8 |
| Peons | 14 | 37 | 19 | 18 | .. | .. | .. | 37 |
| Farashes | 14 | 2 | 1 | 1 | .. | .. | .. | 2 |
| Total | | 161 | 161 | | | | | 161 |

| Name of post. | Grade. | Number. | Hindus. | Muslims. | Europeans. | Others. | Vacant. | Total. |
|--|-------------------------------------|---------|---------|----------|------------|---------|---------|--------|
| Inspectors | Not exceeding Rs. 300 | 2 | .. | .. | .. | .. | 2 | 2 |
| | Total | 2 | | | | | | • |
| | <i>Regional Food Commissioners.</i> | | | | | | | |
| | Rs. | | | | | | | |
| Regional Commissioner, Eastern Region, Calcutta. | 4,000 | 1 | .. | .. | 1 | .. | .. | 1 |
| Regional Food Commissioner, Punjab | 2,750 | 1 | .. | .. | 1 | .. | .. | 1 |
| Regional Food Commissioner, Bombay | 2,650 | 1 | .. | .. | 1 | .. | .. | 1 |
| Regional Food Commissioner, U. P. | 2,500 | 1 | .. | 1 | .. | .. | .. | 1 |
| Regional Food Commissioner, Rajputana | 2,500 | 1 | .. | 1 | .. | .. | .. | 1 |
| Regional Food Commissioner, Madras | 1,900 + 400 (S. P.) | 1 | .. | 1 | .. | .. | .. | 1 |
| Deputy Regional Food Commissioner, Eastern Region. | 1,400 | 1 | .. | .. | 1 | .. | .. | 1 |
| Deputy Regional Food Commissioner, Punjab. | 1,000 | 1 | 1 | .. | .. | .. | .. | 1 |
| Asstt. Regional Food Commissioner, Calcutta. | 600 | 1 | 1 | .. | .. | .. | .. | 1 |
| Group Liaison Officer, Punjab | 1,000 | 1 | 1 | .. | .. | .. | .. | 1 |
| <i>Non-gazetted.</i> | | | | | | | | |
| Assistant | 115-20/2-215-25; 2-280-20/2-350. | 1 | 1 | .. | .. | .. | .. | 1 |
| Head clerks | 150-10-300 | 5 | 2 | 1 | .. | 1 | 1 | 5 |
| Senior clerks | 100-15-175 | 7 | 4 | .. | .. | .. | 3 | 7 |
| Stenographers | 100-5-200 | 13 | 1 | 1 | .. | 4 | 7 | 13 |
| Junior clerks | 50-3-80-5-100 | 13 | 4 | 3 | .. | .. | 6 | 13 |
| Typists | 50-3-80-5-100 | 5 | 1 | 1 | .. | .. | 3 | 5 |
| <i>Inferior servants.</i> | | | | | | | | |
| Duftry | 15-1/2-20-1-30 | 1 | .. | .. | .. | .. | 1 | 1 |
| Duftry | 20-1-27 | 1 | 1 | .. | .. | .. | .. | 1 |
| Jamadars | 25 | 6 | * | * | * | * | * | 6 |
| Peons | 15 | 17 | * | * | * | * | * | 17 |
| | Total | 76 | | | | | | 79 |

*Information awaited to be filled in before issue.

COSTS INCURRED IN DELHI PROVINCE ON SLIT TRENCHES AND SHELTERS.

135. THE HONOURABLE MR. HOSSAIN IMAM : Will Government state the costs incurred in the Delhi Province (a) in making slit trenches and refilling them in 1942 ; (b) in building other shelters ; and (c) the average cost of each.

THE HONOURABLE SIR JWALA PRASAD SRIVASTAVA : (a) Cost incurred in making slit trenches and refilling them—Rs. 74,109. (b) Cost incurred in building other shelters—Rs. 1,10,357. (c) Average cost of each—(i) Shelter—1,269, (ii) Trench—about Rs. 45.

RELAXATION OF LIGHTING RESTRICTIONS.

136. THE HONOURABLE MR. HOSSAIN IMAM : Will Government state the steps they have taken to reduce the expenses under the Civil Defence Department due to decrease in dangers of air raids and increased defence arrangements ?

THE HONOURABLE SIR JWALA PRASAD SRIVASTAVA : It would not be in the public interests to give any details of the adjustment of India's Air Raid Precautions to the changes in the general strategical situation. The Honourable Member may rest assured that this matter is constantly under review and that adequate steps have been taken to ensure that personnel and material are not locked up in such defensive measures.

STEPS TAKEN TO REDUCE EXPENDITURE ON CIVIL DEFENCE.

137. THE HONOURABLE MR. HOSSAIN IMAM : Do Government propose to relax the restrictions of lighting in far off places like Bombay ; if not, why not ?

THE HONOURABLE SIR JWALA PRASAD SRIVASTAVA : Lighting restrictions have been relaxed over the greater part of India. Where they have been maintained it has been on account of necessity imposed by considerations of naval, military and air security. The question whether a relaxation of the lighting restrictions in Bombay is possible is under consideration.

PAY OF AMERICAN FORCES.

138. THE HONOURABLE MR. HOSSAIN IMAM : Will Government make a clear and comprehensive statement about the procedure adopted to meet the rupee expenses on supplies and pay of the American Army and Air Force ? What was the amount in 1942-43 and how much of it was charged to our Defence Estimates and how much recouped ?

THE HONOURABLE MR. C. E. JONES : The pay of American Forces in India is met by the United States Government under its own arrangements. The amount is not known and none of it is paid for by the Government of India.

Expenditure on supplies is met partly by the American Forces themselves and partly by the Government of India under reciprocal Lease-Lend arrangements.

As regards the amount of the latter, I am not in a position to give figures at present, as the task of evaluating all services rendered is not yet completed.

THE HONOURABLE MR. HOSSAIN IMAM : With whom have the United States Governments arrangements for getting rupee supplies ?

THE HONOURABLE MR. C. E. JONES : In the usual way, Sir. The American Government buys with dollars.

THE HONOURABLE MR. HOSSAIN IMAM : What happens to those dollars which are acquired by the Reserve Bank ?

THE HONOURABLE MR. C. E. JONES : Exactly the same as happens to the dollars which accrue to India as a result of a favourable balance of trade if and when that happens.

THE HONOURABLE MR. HOSSAIN IMAM : Will the Honourable Member give us some figure about the dollar balances which the Reserve Bank have acquired ?

THE HONOURABLE MR. C. E. JONES : I should like to have notice of that question, Sir.

NAMES OF CONTRACTORS AND RATES AT WHICH THEY SUPPLY BEEF TO THE AMERICAN AND BRITISH FORCES.

139. THE HONOURABLE MR. HOSSAIN IMAM : Will Government lay on the table a statement giving the names of the big contractors for the supply of beef to the American and British Forces in India and the rates of as many as possible in the Eastern Command ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : Information to enable me to answer the first part of the question is not readily available and its collection

would involve an amount of time and labour that would not be justifiable in war-time Messrs. Associated Livestock Farms, Ltd., Calcutta, are the contractors for most of the Eastern Army area and their rates vary from Rs. 12-8-0 to Rs. 18-12-0 per 100 lbs. according to the locality in which the meat is required.

COST OF MAINTAINING PRISONERS OF WAR.

140. **THE HONOURABLE MR. HOSSAIN IMAM :** Will Government give the cost of maintaining Prisoners of War in each of the years 1940-41 to 1942-43 ; and how much was paid by H. M. G. and Indian States ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : The figures in respect of cost of maintenance of prisoners of war in India are as follows :—

| | (In lakhs of rupees.) | | | | | | | | | |
|-----------|-----------------------|---|---|---|---|---|---|---|---|------|
| • 1940-41 | . | . | . | . | . | . | . | . | . | 70 |
| 1941-42 | . | . | . | . | . | . | . | . | . | 8.64 |
| 1942-43 | . | . | . | . | . | . | . | . | . | 5.78 |

The entire expenditure in respect of maintaining prisoners of war is being borne by His Majesty's Government.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : May we know what was the total number of prisoners on whose account this expenditure was incurred ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : I am afraid I have not got any information with me.

THE HONOURABLE MR. HOSSAIN IMAM : Do the figures include the capital expenditure and the current expenditure or the current expenditure only ? I think the Finance Secretary should reply to it.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : I should like notice of that question.

THE HONOURABLE MR. C. E. JONES : I also would like to have notice of that question.

MANUFACTURE IN THE U. S. A. OF DEHYDRATED AND PULVERIZED MEAT.

141. **THE HONOURABLE MR. HOSSAIN IMAM :** Is Government aware that dehydrated and pulverized meat is being manufactured in U. S. A. for nearly a year ? Has Government made or proposed to make arrangements for its import for U. S. A. and other white forces and the allied prisoners of war ? if not, why not ?

MAJOR GENERAL THE HONOURABLE E. WOOD : Yes. Government are aware that dehydrated meat is being manufactured in America and in certain other allied countries. But in the difficult shipping position it is the accepted policy not to employ shipping for any particular commodity that can be and is being manufactured in the country where the goods are required for consumption.

TELEGRAM FROM VISCOUNT WAVELL THANKING THE MEMBERS OF THE COUNCIL OF STATE FOR THEIR CONGRATULATIONS.

THE HONOURABLE THE PRESIDENT : Honourable Members, I would like to read to you, particularly as I have been requested to do so, a message which I have received from Viscount Wavell in reply to the message I sent him :—

“Many thanks for your telegram conveying to me the congratulations and good wishes of the Council of State. Will you kindly pass my thanks on to the Council and say how much I appreciate this message from my former colleagues. Wavell.” (Applause.)

MOTION RE FOOD SITUATION.

MAJOR-GENERAL THE HONOURABLE E. WOOD (Food Secretary) : Mr. President, I move that :—

“The food situation in India be taken into consideration”.

The subject is a vast one. I propose to confine myself to the main points that govern and regulate the situation today. I propose to speak therefore on three general headings :—

(a) Certain fundamentals of the food problem that are peculiar to India.

(b) To examine the reasons for an insufficient degree of success in the last six months.

(c) To point to the position today and the task for the future.

Throughout the remarks I shall make I shall refer only to provinces and will leave it to Honourable Members to judge the application and connection of such remarks to Indian States.

[Major-General E. Wood.]

But before I approach those three matters I am anxious to make clear an important and substantial point to which I shall repeatedly make reference. I refer to the little recognised but none the less indisputable fact that for the execution of food policy in this country, whatever that policy may be, there is but one instrument and one machinery. That instrument and that machinery is found in the *administrative organisations* of the provinces. I wish to make clear that not only have the Central Government no executive instrument or machinery for the day-to-day execution of food administration but that it would be improper for the Centre to attempt to build up such instrument and impossible to do so even were it deemed desirable so to do. It would be improper because food administration means the exercise of controls and controls mean the exercise of statutory powers which in a province must be exercised by the Provincial officers under the guidance and direction of their own Governments. Were those powers to be exercised by another set of officers there could but emerge confusion, conflict and delay. It is impossible—and I say it is impossible for the obvious reason that it would be impossible to duplicate a staff so expensive as to echo or almost echo a totality of the administrative organisations of all Provinces and States. The personnel for such purpose do not exist in the country. But quite apart from these and any other issue the Provincial Governments have made known firmly and clearly their wish. They are firmly and clearly of the unanimous view that whatever the Centre requires to be done in the matter of food administration in the province shall be done by the province. To express the matter in more familiar terms and in respect of food administration the Food Department is in the position of being a general headquarters and the formations containing the troops are in the provinces. It is essential that this position be recognised by any one who attempts to examine the food position in India. It means that while the Centre can plan, co-ordinate, assist and direct it is dependent for execution on the administrations of the provinces. It means more than this : it means that the measures of success of food administration in India depend in the aggregate, and in the ultimate resort, on the efficiency or otherwise of food administration by the provinces.

I now approach the first of the three matters I wish to place before the House. I refer to certain fundamentals of the food problem that are peculiar to India. I would preface my observations, however, by some comment on the importance of physical control as a basis for any other form of control—price control, distribution control, or whatever control. The fundamental pre-requisite and necessity is physical control. By physical control I do not mean one hundred per cent. possession of the goods : that is physical control in its ultimate expression. There are, however, other methods of exerting physical control : for example, permits to trade, licences to import or export, the denial of movement, the grant of railway facilities, the holding of adequate reserves to influence supplies and prices, and other actions of a like nature. But unless some form, in some manner and measure, of physical control can be exercised, it is extremely difficult to be successful in distribution control in the required volume, and virtually impossible to control prices.

The reason for this can be stated quite simply. Controls of prices and controls of distribution can be defeated, because the goods, not being amenable to some degree of physical control, will either cease to flow or, if they flow at all, they will flow in other directions—subterranean directions. The goods will flow into the black markets and be sold at black-market prices. In the United Kingdom the requisite degree of physical control over foodgrains can be firmly and finally and positively exercised at two points : the port of entry, in respect of imported foodgrains, and at the mills in the milling industry, in respect of domestic supplies.

With these preliminary observations, I would ask the House to consider the parallel situation in India. In normal times the urban population of India is fed from the aggregate of the margins of 50 to 55 million subsistence farmers each of whom has a small surplus. These 55 million subsistence farmers grow about 51½ million tons of foodgrains. By far the great majority of it they require for their own consumption. Normally they surrender some 10 million tons of rice and some 4 million tons of wheat in each year for the urban populations. In other words, there is a marketable surplus of some 14 million tons of wheat and rice available for the towns and cities out of the 51½ million tons that are grown. I need not detain the House by a long explanation of why there is difficulty today in securing that the

normal marketable surpluses are surrendered and come forward from the cultivator. You are all aware that in normal times the cultivator is all too frequently forced to sell more grain than he would desire owing to economic pressure upon him. He must pay his land revenue. He must pay his debts to the *bania*. He must have cash to pay for the things he must buy. Today, with the increase in the prices of foodgrains and being able to secure the cash he requires by selling less of his produce, the compulsion upon him to sell has largely been removed, and therefore the first problem to be faced in the matter of physical control is, how are we to secure that an adequate flow of foodgrains begins from the cultivator? None of us will deny the cultivator his better prosperity, and none of us will begrudge him the little extra that circumstances now permit him to eat. But granted the satisfaction of this and similar matters, there remains the extremely difficult problem of ensuring that the cultivator does not withhold more than he requires. I will not venture to suggest the solutions, because to do so would anticipate the Report of the Foodgrains Policy Committee, shortly to submit its conclusions. I would, however, permit myself one observation. It is that perhaps the big zamindars and landowners of this country have not appreciated the extent to which it has been put in their power to assist India in her food difficulties today. They have not perhaps realised the latent leadership that is in their hands. They have not perhaps realised the full significance of the fact that the small cultivator is prone to do what the bigger man does. If the bigger man sells his stocks, the small man would be inclined to do the same. If the bigger man hoards his stocks for a higher price, so will the little man. As regards the landowner or zamindar who takes action to dissuade the cultivator from surrendering his surplus, I beg to be excused from making comment: I feel as a soldier I have not the requisite degree of delicacy of expression.

In this first stage of physical control, the big landowners and zamindars have a responsibility and an obligation. Speaking in my personal capacity, I hope the future will show a better leadership than has been apparent in the last six months I have been in the Food Department.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Leadership by whom?

MAJOR-GENERAL THE HONOURABLE E. WOOD: In making those observations I am referring to no particular Province or State. I am referring to India as a whole.

The next stage of control over resources lies in the marketing and milling of foodgrains. Wheat is the only cereal that has any organised marketing arrangements. For rice, although trading is extensive, the marketing is almost without organisation. For millets and other coarser grains, it is almost true to say that marketing arrangements do not exist. In all these trade channels there are no integrated, well-established and responsible bodies of traders, in the form of any sufficiently comprehensive numbers of Chambers or Associations, through which some degree of physical control could be exercised. And when we turn to the milling industry, here again no adequate degree of physical control can be exercised because so small a portion of the foodgrains pass through such mills; by far the greater proportion is hand-ground or hand-pounded. It is against this situation and in these circumstances that an answer is to be found of how the requisite degree of physical control can be exercised over an adequate amount of foodgrains. It admits of no facile solution. It cannot be solved by the issue of a few orders here or a few orders there.

Over the stages I have described the necessary degree of physical control can only be secured as a result of immense efforts which must have behind them sound, comprehensive and energetic administration. I remind you that this executive work falls to the instrument and the machinery to which I have already referred: the administrative machinery of the provinces. The weapon for the work is the Foodgrains Control Order. I hope all provinces now appreciate that only by and through a vigorous and efficient application of this Order can physical control over foodgrains in this country even begin to be exercised. So much for one aspect of control over resources. Let me now touch on a second. The Central Government has the prime responsibility, a responsibility that must rest on the Central one, of distributing the surpluses of India. Apart from planning and co-ordination and the extension of all assistance that lies in its power, this matter of balancing the resources of Provinces and States by the distribution of available surpluses constitutes perhaps the most

[Major-General E. Wood.]

important single responsibility of the Centre. Here an important point arises. The surpluses that the Centre distributes between the deficit areas is a tithe, a margin, in relation to the domestic resources that the deficit Provinces and States already have. Lest I should be accused of inaccuracy, let me exclude Travancore and Cochin from such general statement. But generally speaking every province and State in this country is agricultural more or less. In terms of 100 per cent. of sufficiency, a deficit Province or State may be 85 per cent., 90 per cent. or 95 per cent. of self-sufficiency whilst surplus Provinces and States can be regarded as having figures of 110 per cent., 115 per cent., 120 per cent. or even higher. The point I wish to make clear is that the portion that is handed over by the Central Government to a deficit area is but a small fraction of the totality of its requirements.

Having made this remark it appears hardly necessary to make the statement that it is at least as important for a deficit province to make proper arrangements to bring its domestic resources under control as it is that it should receive the imported margin from the Central Government. But it is necessary to make this remark because it is a fact that a large number of deficit areas have failed to understand. I say quite bluntly that they appear to expect to subsist almost entirely at the expense of the Central Government; entirely to subsist on what the Central Government may give them. And in case this might be thought some species of *arrivee pensee*, may I be permitted to quote from the official letter of the Food Department of the 26th of January, 1943 that laid down the outlines of what has now come to be known as the Basic Plan. The following is found in paragraph 3 of that letter:—

"It is definitely the intention that every province will set up machinery, and will make arrangements, in conformity with the principles of the scheme adumbrated in the attached Memorandum. Whether any particular province is normally regarded as a surplus or a deficit province, all provinces produce foodstuffs and whatever their production levels, it is clear that the full resources of each province must be brought into play whether they are in surplus or in deficit. It is incumbent on deficit provinces to utilise their inadequate resources to the full before expecting assistance from the surplus provinces. The problem facing India today is the same in deficit as well as in surplus areas, i.e., the need to prise loose stocks not being offered for normal trading and consumption purposes. The measures to be taken to secure supplies for exports from a surplus province differ only in degree from those applicable to the full utilisation of the domestic supplies of a deficit province for its own needs. For these reasons it is definitely intended that not merely the surplus but all provinces shall set up the machinery contemplated under the scheme".

A fundamental point that I desire clearly to put to the House is that the food administration in India does not begin and end with the Central Government securing surplus foodgrains from one Government and of handing them over to another. That is only a part of the task. I have attempted to explain that it is the smaller portion of the task and that by far the more important to successful food administration in this country is that the Government of all Provinces shall take such action as is designed to utilise their domestic resources to the full. Certain Provinces in this country have yet to learn that their salvation does not lie in a species of charity handed out by the Centre. The major portion of their salvation lies within their own boundaries. At this stage may I be permitted to summarise three points of supreme importance.

The first is that the Central Government have the task of balancing the books of the Provinces and States. They have the task of equalising the resources between the component units of India. But the margins by which this is done constitutes but a fraction of the domestic resources already available to them.

The second point is the imperative need for the deficit Provinces to bring their domestic resources under controlled distribution because it is these that constitute by far the greatest proportion of their aggregate resources.

The third point is that the instrument for the execution of all these and other matters of food administration is the machinery of the Provinces.

I now approach the second of my three headings, that is, the occurrences of the last six months; the reasons why the plans of the Central Government have not had the degree of success that was hoped. In my remarks I do not propose to mention any particular provinces. I propose to let them remain anonymous. I take this line for the sufficient reason that the Centre can only fulfil its task by and through the

execution and co-operation of the Provinces and States and I would do nothing here today to prejudice the better co-operation we hope in future to engender and to secure.

On the 26th of January, the Central Government published the first outline of its plan for the distribution of the surpluses of India. It has since become known as the Basic Plan. After study and correspondence, that Plan was unanimously accepted by all Provinces and States in India. There was no other control plan in the field. There has never been any other plan. At the end of February we were in high hopes. There was only one final obstacle before we moved from discussion to action. That obstacle was the determination of how much surplus each surplus area would surrender and how much should each deficit Government receive. The prospects of argument and trouble were obvious. Ultimately the plus and minuses of India were determined by the Central Government and were communicated to all concerned. But recognising the contentious nature of Indian statistics, the Central Government said in effect :

"None of us know whether these figures are really true and no amount of argument can prove it one way or another. They can only be proved by action. Action alone can determine whether the goods are there or not. Therefore take these figures we have given to you; take them as the level of achievement and endeavour to take them as the target to which you must direct all effort and let us see what happens".

To this request that they do their best to reach the target figures, to this recognition that the figures so prescribed were neither binding obligations nor contracts but represented a level of endeavour, the Central Government received a chilly response. Everyone was prepared to subscribe to the theory that those who had too much should give to those who had too little, but, when it came to the acid test, only a few admitted their surplus. Many provinces refused to admit to any surplus and others only admitted to surpluses very much lower and so the basic plan began to falter. The consequences were quickly felt. The provinces of the north-east, being a homogeneous rice tract that is self-sufficient for rice, were to supply rice to Bengal. But nothing happened. In the first half of May, Calcutta was reduced to a few days supply. The Centre intervened and attempted to mount one of those arrangements that has now become known in the Food Department as a "rescue operation". The greatest efforts were made in the hope that, given time, the Basic Plan in that Region will begin to function. But it progressively became clear that no reliance could be placed on this happening. One thing was clear and that was that if this homogeneous rice tract, the largest in India, could not produce the margins necessary to sustain Calcutta and Bengal, then there was little hope of finding their rescue in terms of rice, from elsewhere in India. It would have been a case of "robbing Peter to pay Paul". In other words, a similar situation would have been created in places like Bombay, Travancore and Cochin. In a situation of this character I ask the Honourable Members to pause for a moment and consider what remedial action can take place where no adequate supplies of a particular grain can be found from outside. I suggest there are three and three methods only. Either the province that has the surplus must dig out the surplus, or the province that requires the grain should, through its authorised agents, be permitted to go into the surplus area and dig it out, or, failing those two alternatives, there only remains the possibility of permitting the trade to do so.

As the provinces concerned had substantially failed in the first, and as none were desirous of accepting the second method—

THE HONOURABLE RAJ BAHADUR LALA RAM SARAN DAS : Why had they failed ?

MAJOR-GENERAL THE HONOURABLE E. WOOD : As none were desirous of accepting the second method, there remained only the third course open. It was in these circumstances that free trade was established in the North-Eastern Region.

THE HONOURABLE MR. HOSSAIN IMAM : With the consent of the provinces ?

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : If the provinces refuse to co-operate practically what is the good of their consent ?

THE HONOURABLE THE PRESIDENT : Order, order. You will all have your opportunity.

MAJOR-GENERAL THE HONOURABLE E. WOOD : That is the history of what has been publicly stigmatised as the Centre's bewildering shifts of policy and their muddle-headed improvisation. We were aware that certain disadvantages were

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likely to accrue, and particularly in the matter of prices, but none can gainsay the fact that this action on the part of the Central Government saved Bengal in a moment of crisis. The position was critical and those who know the inner history of the supply position at that time can have little doubt that this action saved Bengal from disaster. But had the free trade policy not suffered obstruction, there are strong probabilities that prices would today have been at a more reasonable and sober level and the supply position generally easier.

No sooner had the worst of this supply crisis been overcome than difficulty began to appear in other parts of India. The failure to supply rice became almost universal except in the North-West of India and in consequence certain territories, such as Travancore and Cochin, were reduced to grave tribulation, and, failing remedial action, were likely to face possible disaster. The prospect of applying free trading conditions to wider areas led to the holding of the third All-India Food Conference in New Delhi in the first week of July and at this Conference the 85 representatives of Provinces and States made fully clear that rather than free trade they would prefer the resurrection of the Basic Plan in a modified form. The Government of India accepted this conclusion and the modified plan became effective on the 1st of August. Let it be said that it does not meet the full requirements. The declared deficits exceed the surpluses and we are only able to give a portion, but a very substantial portion, of the amounts that the deficit areas require. The Food Department believe, however, that having once more got some coordinated action moving, the surpluses will prove much more than many of the timid administrations at present regard as practicable. This abbreviated plan to which we hope to add flesh and substance as the weeks go past, covers a period up to the end of November in respect of the *kharif* grains and up to the end of March in respect of the *rabi*. Again I remind the House that apart from circumstances and events that in this country are truly in the lap of the gods, much will depend on two things. The first is the efficiency with which the administrative machinery of the provinces will work, and secondly, the extent to which they will take action to bring their domestic resources under control. At this stage I would express the great hopes I have for the future. Increasingly action is taking the place of arguments about statistics and in action we will find our solution and not in talk.

This brings me to my third and last heading, the situation facing India today and the prospects for the future. As regards the present position I have briefly recounted how the Basic Plan has been resurrected which is another way of stating that the original policies of the Food Department, after a period of trial and tribulation, have been reaffirmed and by all concerned. Indeed, the Food Department was surprised and even gratified at the third All-India Food Conference held last month to be informed of the beauties and advantages of their original plans that they had themselves little suspected.

As regards the future, I must tread with some delicacy because this is a matter that has been remitted for examination to an expert Committee and it would be hazardous, if not foolish, to anticipate its findings. I can however inform the House of one decision which is very pregnant for the future : the decision to apply rationing to the cities and major towns of India as soon as possible and, thereafter and with the minimum delay, to other substantial urban areas. This was a recommendation of the third Food Conference. The Food-grains Policy Committee, now sitting, regard it of such importance and consequence that they have submitted an interim recommendation to the same effect. Supported by these views, the Government of India have accepted this recommendation. We are glad to know that the Provinces and States will not be caught unprepared. We asked them to think out the problem and to prepare their schemes seven months ago.

Now I ask the House to consider the meaning of urban rationing. If it is to be applied to urban areas of 100,000 and above, it means that through the length and breadth of this country there will be 58 places to be rationed ; if of 50,000 and above, there will be 156 ; if it means all places of 10,000 and above then it means there will be 990 rationing schemes. The annual amount of foodgrains required to support these schemes varies from approximately $1\frac{1}{2}$ million tons of foodgrains to considerably over 4 million tons of foodgrains and these at a minimum of 1 lb. per head per day. In anticipation of this gigantic task the Food Department is to open an instructional

centre in Bombay where the officers who are to inaugurate and control rationing schemes will receive training on a uniform basis. The Centre opens on the 23rd of August.

I now turn to the implications of this decision so recently reached. It is obviously a gigantic problem of administration but how gigantic, it is perhaps not realised. It means, in the first case, that the Central Government's responsibility for transferring surpluses to deficit areas is a procurement operation that sinks into insignificance in comparison with the task before all Provinces and States, whether surplus or deficit in the matter of procuring the supplies with which to support and sustain rationing schemes. It means that all Provinces and States—and I repeat all Provinces and States whether they have comfortable circumstances or not, whether surplus or deficit in the matter of procuring their supplies to support and to sustain rationing schemes—can no longer burke the issue of bringing their domestic supplies under control. Whatever misunderstandings may have existed in the past there can be none under the rationing policy now decided. That this decision is right there can be no doubt whatsoever. By no other means can a reasonable price be secured and a reasonable price be enforced by the law; by no other means can the poor man take his fair share with the rich man. How great this problem of administration will be can be gauged by the fact that the rationing of Bombay city requires a clerical staff in the Rationing Office of over 600, which is a staff bigger than the whole of the Department I have under my control at present. Apply this to the numbers of towns and cities I have mentioned. Link it with the machinery necessary to secure the supplies to make rationing possible and you will appreciate the immensity of the task. It cannot be satisfied by creating a small office with an officer or two. It is not a task for the proverbial "man and a boy". It is something that is going to call for the full endeavours of the whole administrative machinery of a province. Only and only when the domestic resources are under controlled distribution to the requisite extent will the food problem of India be under control and will prices be effectively brought back to sanity.

I have now covered the ground and have put before Honourable Members the important factors which, in my view, must be the foundation of any examination of the problem as it stands today. I have attempted, however slightly, to draw aside the veil that hides the future. I have attempted to make clear how substantially the success or failure of food administration in this country is so directly related to the administrative machinery of provinces. Before closing, Mr. President, I ask your indulgence to say a few very brief words on two further matters.

In view of the public criticism of the position in Bengal, that has been so loud and clamant in recent weeks, it is perhaps proper that I should make a few observations on that situation. I am most anxious to say nothing that will embarrass the authorities who are struggling so manfully to deal with a difficult situation. If my remarks are indirect please bear that in mind.

Bengal has lost her rice imports from Burma. She normally imported 500,000 tons a year but against that she normally exported 350,000 tons. She has therefore lost 150,000 tons which against the annual normal harvest of something nearly approaching 9 million tons I leave Honourable Members to work out the percentage of the loss. But I am not so much concerned to deal with those figures as I am to deal with the immediate past, present and the immediate future. I will make my subsequent observations in terms of trainloads: trains of 50 goods wagons, the longest trains in this country. I do this for two reasons. The first is that it puts the issues in a manner from which the thinking man can draw certain obvious conclusions. The second is that I hope to avoid or at least to minimise contention. Now if we take the whole of the assistance given by the Food Department to Bengal and add to it the lesser amounts that were procured under free trade it means that from the 1st of January to the 31st of July, for every day of those seven months, there has been delivered over one trainload of foodgrains into Bengal. Recently a food drive was made in the rural areas of Bengal that brought to light a certain amount of rice. That amount of rice equals one trainload of rice to Bengal a day for each day of 365 days in a year! In addition to this, a food drive is at present taking place in Calcutta and Howrah of which we have yet no details, except that it may prove even more successful than the rural drive. To turn to the future, the *aus* crop is beginning to be harvested and will progressively come into the markets during September. If

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this *aus* crop were shared at the rate of one lb. per head per day to each of the 60 million inhabitants of Bengal, you have enough rice to meet the full requirements for upwards of 90 days—three months. This rice crop equals five trains of rice a day for each of the 365 days in the year. And we are less than four months from the main rice crop of the province—the *aman* crop. It is usually over three times larger than the *aus* crop.

I may have said enough. But despite the great need of Bengal to do very much more in the matter of controlling her domestic resources, the Central Government are determined to do all they can to assist Bengal in her difficulties. Honourable Members might be interested to know the following figures. Under the modified Basic Plan she is to receive, after the requirements of the Defence Services have been met, 30 per cent. of all the rice that is available in the hands of the Central Government, 33 per cent. of millets, 58 per cent. of wheat, and 25 per cent. of gram,—which gives an overall percentage to Bengal of 36 of all the surpluses that the Central Government expect to receive in the next few months. I hope my friends in Bengal will not take these remarks amiss. But so much has been said and so many garbled versions of the transactions have been put out that it is desirable that some of the facts be more precisely stated.

My final word, Mr. President, and it will only take a moment, is to offer a word on what the Food Department has accomplished in its brief existence. We have heard so much of what it has not done.

It was called to the gigantic task of securing that 400 million people were fed. In the United Kingdom the Food Administration consists of 27,000 people for a population only two-thirds the size of Bengal. A new team was called together to build a dam against waters that were high, and were fast rising higher. In this struggle we have not received over much help from the grain traders who number perhaps half a million. Behind these traders we had the problem of the cultivators to which I have made reference. And what are our results? In the seven months from the 1st January to the 31st July, in contracts of one ton here and half a ton there, we have secured over one million tons of foodgrains. Taking an average, it means that day by day and every day of those seven months we have procured foodgrains to fill 250 railway wagons, and we have loaded and despatched 250 railway wagons—five trains a day—to the deficit areas. Few will ever know of the shortage and distress that has been prevented. And in this unceasing struggle during which scarcely a day passed without some appeal for help that rarely went unanswered, we exerted every nerve and sinew to put affairs on to a planned basis where, please Providence, we have now put them. I am not claiming success. I leave to the House to judge how far duty has been performed. (*Applause.*)

THE HONOURABLE THE PRESIDENT: The time-limit for each speech is quarter of an hour.

THE HONOURABLE MR. HOSSAIN IMAM: Sir, the last time you imposed this limit of 15 minutes, we accepted it as there were many Honourable Members wanting to speak. But today I want that we should follow the Assembly practice of giving a little latitude to the party leaders. I do not mind the limit of 15 minutes, but some latitude should be given to the party leaders.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: The other members too were allowed more time in the Assembly. I think the arrangement there during the last session was that the party leaders should be given half an hour each, and the other members twenty minutes each. Whatever time-limit you impose, Sir, I hope it will be more than 15 minutes. The debate will, in that case, not be finished today. I hope that Government will agree to the debate being carried over to another day if necessary on account of the greater time-limit allowed for the speeches of Honourable Members. In the last session, when my Resolution regarding the food situation was discussed, the discussion could not be finished in a day, although Government had provided special facilities, and consequently the discussion was carried over to the next day. I hope, therefore, that there will be no objection on the part of Government to the extension of the time allowed for the debate.

THE HONOURABLE THE PRESIDENT: Honourable Members, I am bound by the statutory limit fixed under our rules. I do not know what is going on in the other House, nor am I concerned with it; I have to go by our rules and regulations. But

I quite realise that there are some occasions, when important questions come up before the House, when Honourable Members desire to have more time. But, as I have pointed out before, the whole blame lies on many Honourable Members. They persist in repeating observations which have already been made by previous speakers, and they waste time in this way, if they will excuse my saying so. In Parliament, the members take up separately individual points and dilate on them and do full justice to them within the time limit that is allowed. Here, on the other hand, every member wants to speak on the whole subject, whether it is Budget discussion or whether it is any other discussion. My own suggestion to you is that you should select your own speakers to put forward and argue particular, important points. If you do that, much of the trouble, much of the difficulty, and much of the disappointment would be avoided. In a matter like this, if the Government is prepared to give a second day for the discussion of this important Motion, I have no objection. But I cannot break any rule in this respect. I will leave the whole matter to be decided by this Honourable House; I leave it to Honourable Members to tell me what they propose to do about it.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : May we know whether Government propose to give another day for this discussion or not? We have both the Food Member and the Food Secretary in this House, and they can tell us what the Government attitude is.

THE HONOURABLE SIR MAHOMED USMAN (Leader of the House) : Let us wait and see. I think 15 minutes will be sufficient for Honourable Members to express their views on the subject, and in that case I do not think another day is necessary.

THE HONOURABLE MR. V. V. KALIKAR : May I put in a word, Sir? We always accommodate Government on important occasions. I remember that when I was moving my Resolution on heavy industries in India, Sir Homi Mody, who was then Member in charge, asked me to move that Resolution on a particular day because he could not be here on any other day and I accommodated him. So, we desire that the Government also should accommodate us. This is a very important question, Sir, and with due respect to your remarks, I request the Government to accommodate us and give us another day.

THE HONOURABLE THE PRESIDENT : Which remark of mine do you object to?

THE HONOURABLE MR. V. V. KALIKAR : I am not objecting to any remark of yours, Sir. I only want more indulgence from the Chair on such an important debate as the debate on the food situation.

THE HONOURABLE THE PRESIDENT : If you talk of indulgence, you must have noticed that when some Honourable Members are talking on a Bill or Resolution or other matter before the House, and when their observations are worth listening to, then I know that the Council is respecting them and want to hear them and I have always allowed a latitude of ten minutes and more. So you cannot say that the Chair has been unfair to Honourable Members in the past.

THE HONOURABLE MR. V. V. KALIKAR : No, certainly not.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : No such allegation has been made against the Chair. There is no grievance against the Chair.

THE HONOURABLE THE PRESIDENT : I leave it to Honourable Members to say whether they want the 15 minutes' limit to be followed or not.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : I want again to ask Government whether they will allot us a second day for the debate.

THE HONOURABLE THE PRESIDENT : The Leader of the House has already said that he will mark the course of the discussion during the day and then he will think over the matter.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : How is it going to help if you limit us to 15 minutes per speaker?

THE HONOURABLE SIR MAHOMED USMAN : If we follow the advice given by the Chair I do not think another day will be necessary.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : In other words, we are to follow the advice given by you, namely, that we should not ask for a day more. I take you to say that you will not give us another day.

THE HONOURABLE SIR MAHOMED USMAN : Let us follow the advice of the Chair in restricting the speeches to 15 minutes. If necessary, we can go on to another day.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : I think Government ought to make up their mind now and say whether, if it is necessary that the debate should be prolonged, they will give us another day. I want a clear answer to that question.

THE HONOURABLE SIR MAHOMED USMAN : The answer is that it is not necessary in view of the remarks made by the Chair.

THE HONOURABLE MR. HOSSAIN IMAM : Permit me to say something, Sir. As was remarked by the Leader of the European Group in the other House, Government have given the least consideration to the most important subject before the country. If they want to stifle the debate I have no objection. We would rather prefer, Sir, in that case, to abstain from taking part in the debate than be restricted to the 15 minutes' time-limit. It is for the Chair and the Government to decide whether they want our opinion or not. If they want our opinion, we can give it only on the consideration that we must be given sufficient time.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : May I say on behalf of my Party that we entirely agree with what has fallen from the Honourable Mr. Hossain Imam ? If Government want to have a scrappy discussion of the subject, they can discuss it inter-departmentally. They do not want our advice at all and we shall, therefore, refrain from taking part in the discussion. The Central Government is a mighty Government. They have the monopoly of all wisdom. Yet they have failed utterly to solve the problem that was entrusted to them and they do not want advice from us. If so, let them carry on as they like.

THE HONOURABLE SIR MAHOMED USMAN : I never said any such thing. Even now I am prepared to leave the matter to the Chair.

THE HONOURABLE THE PRESIDENT (to the Honourable Pandit Kunzru) : You asked me to give 30 minutes to Leaders of Parties....

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : If I may interrupt you, Sir, I may say that I have no complaint against you. I am concerned only with the Government. What you have said is perfectly fair. We do not question a word of what you have said.

THE HONOURABLE THE PRESIDENT : You want me to give 30 minutes to Leaders of Parties and 20 minutes to other Honourable Members ?

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Yes, Sir ; that is what was done in the Assembly in the last session.

THE HONOURABLE THE PRESIDENT : Can you tell me how many people are going to speak today ?

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : A good many people, Sir.

THE HONOURABLE MR. HOSSAIN IMAM : Three members from my Party will speak, Sir.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Almost all from my Party will speak.

THE HONOURABLE THE PRESIDENT : Is it possible then to conclude the debate today ?

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : If it is necessary that the debate should be concluded today, then I say that the debate is not necessary. Government have got the necessary wisdom and experience to solve this question without any aid from us.

THE HONOURABLE SIR MAHOMED USMAN : I did not say that the debate should be concluded today. I have left it to the Chair.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : I do not understand this rigmarole. Government can answer a plain question in a plain way.

THE HONOURABLE THE PRESIDENT : I cannot make any discrimination between Leaders and the other Honourable Members. I think that all Honourable Members should be treated alike. I shall, therefore, show a little consideration on

this occasion but I do not want that it should be made a precedent. I shall give 20 minutes all round to all Honourable Members. If they will only avoid repetition I am sure we shall do a considerable amount of work today.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : I should like to understand clearly what the position is. Can the Government give us a day more or not ? That is the question.

THE HONOURABLE SIR MAHOMED USMAN : If the debate is not concluded today, then we can go on to the next day. I have left it to the Chair.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : What is the Government's position ?

THE HONOURABLE SIR JWALA PRASAD SRIVASTAVA : If the debate is not concluded today, we shall give another day.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Why did you not say this before ? Then, Sir, I still suggest that the Leaders should be given half an hour.

THE HONOURABLE THE PRESIDENT : That is a discrimination which I do not wish to introduce in this House.

THE HONOURABLE MR. HOSSAIN IMAM : That is done in all debates with the consent of the Parties.

THE HONOURABLE THE PRESIDENT : You can amongst yourselves decide that a particular member speaking only on one point can speak for half an hour and another member, speaking on another point, can do so similarly.

THE HONOURABLE MR. HOSSAIN IMAM : You can give latitude to the Parties to decide amongst themselves.

(The Honourable the President then called upon the Honourable Rai Bahadur Lala Ram Saran Das, who had already stood up, to speak.)

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadian) : Sir, I have listened with rapt attention to the speech of Major-General the Honourable E. Wood. It is said that the hungry man becomes desperate. میری کیا نہ ہے. Sir, I should like Government to explain why they have been so late in their efforts knowing that import of rice from Burma and Malaya were impossible. General Wood has observed that his Department had to come to the rescue of Bengal from disaster. We all admire the efforts General Wood and his staff have made in this matter. But the fact is there what General Wood has explained that there were plenty of stocks in Bengal which had to be commandeered at the instance of the Food Department, and that there were sufficient trainloads of hoarded stuff in Bengal.

THE HONOURABLE MR. SUSIL KUMAR RAY CHOWDHURY (West Bengal : Non-Muhammadian) : He said something wrong.

MAJOR-GENERAL THE HONOURABLE E. WOOD : On a point of personal explanation, Sir, I did not make that remark. No exports from Bengal have taken place for many months past.

THE HONOURABLE MR. SUSIL KUMAR RAY CHOWDHURY : He said that several trainloads have been unearthed.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : I have not been talking of exports. I have been talking of what General Wood said, and there were big stocks of rice in Bengal hoarded by people. My contention is that Provincial Governments have been sleeping over this matter and they have not been co-operating with the Central Government. The Honourable Sir Aziz-ul-Haque in the Legislative Assembly explained the case from his own point of view. He did not say at all how the situation which has arisen will be solved. Who is responsible for such a situation to develop ? Why the Provincial Governments did not seek co-operation of leaders of the people. This is one important point that has not been considered by the Central Government or by the Provincial Government. Sir Aziz-ul-Haque has said that Provincial Governments have not co-operated. It is a fact that so far as the Punjab is concerned a responsible Minister of the Punjab has been lecturing in various places and advising the zamindars to hoard foodstuffs and not to bring them into the market. His campaign has been going on and is going on still. People suspect why the Government of India cannot take action under the Defence of India Act against the open challenge to the Central Government by a Minister of the

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Provincial Government. It can be said that Provincial Governments have provincial autonomy. But in such matters they should not go against the Government of India and encourage people to hoard stocks. In case I am wrong, the Honourable the Food Member will put me right. Why has no action been taken in this matter? Notwithstanding His Excellency the Viceroy has special powers? Is there a clique in which the Government of India is a party. Why has that challenge not been met by the Government of India? That particular Minister advised the people to hoard stocks of foodstuffs in order to get better prices.

MAJOR-GENERAL THE HONOURABLE E. WOOD: May I ask, Sir, to what period is the Honourable Member referring? Is he referring to any time in the last six weeks or is he referring to a period some time ago?

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: The period referred to by you as well as the present period. (Major-General the Honourable E. Wood shook his head, indicating dissent). You may shake your head, but I know it is a fact. By the efforts of the Food Department prices of foodstuffs have gone down and the people are blaming that Minister that his advice had been of no use. Prices have fallen from Rs. 13 to Rs. 10 and that is why people are criticising the particular Minister.

I now come to another point to which General Wood has referred, *viz.*, that there is no organised agency for the sale of rice and small grains in the Punjab. With due deference to General Wood, I can say that there exists an organisation and those foodstuffs come into the market and they are sold through various agencies and if I mistake not those agencies have been instrumental in sending quite a lot of rice and other foodstuffs to Bengal. One omission I find on the part of the Government. So far they have not availed themselves of the co-operation of public leaders particularly Mahatma Gandhi in this direction. Mere Ordinances and legal enactments will not serve the purpose as far as foodstuffs are concerned. I am not a Congressman. I see that Mahatma Gandhi is of the opinion that people should not hoard foodstuffs and they should share them with needy people. Why should not his co-operation be obtained? If that is done, hoarding will automatically vanish. General Wood has observed that there was hoarding in Bengal. But notwithstanding all these Ordinances and legal measures people have hoarded foodstuffs.

THE HONOURABLE MR. SUSIL KUMAR RAY CHOWDHURY: Hoarding in Bengal has not been substantiated.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: My friend says that hoarding in Bengal has not been substantiated. But I am basing my remarks on the information given by General Wood and that information is that so many trainloads of rice have been found to exist in Bengal.

There is another point which as a commercial man I want to put before the House. I want information from the Government of India as regards stocks which each province ought to have for times of emergency. If the entire stocks are cleared every year, what will you do when there is an emergency of India becoming a centre of warfare. It has been also observed that we should not depend upon imports of foodstuffs from other countries. I may tell my esteemed friend General Wood that as far as wheat is concerned, India consumes about 9½ million tons and whenever the yield of the *rabi* crop is over 9½ million tons the necessity of export arises. As far as the regulation of prices is concerned, I can say that the rise in prices has been due to the wrong measures adopted by various Government agencies. I know that control prices were fixed in different markets in the Punjab. The United Provinces Government came in for purchase; a certain agency was appointed for this purpose. I know that it is a fact that in certain markets these agents broke the control rate themselves and purchased foodstuffs at much higher prices and if I am not wrong the purchases were made in such a way that three middlemen were appointed in the same firm; one was buying from another and the last one sold it to the Government purchase agents at enhanced prices. This is a fact which I can substantiate and this is a fact which everybody knows and they all blame the Government for this system of purchases. I am glad after all that the purchase of foodstuffs resulted in the Government of India in formation of the Food Department and asking them to co-ordinate efforts of the various provinces in this matter.

Sir, I would recommend to the Government the present way of price control and the present system of purchase will never succeed. The Government should buy all the crop itself and then make a distribution. In that way only you will succeed. I know the way in which the big zamindars act to help small ryots. Being a zamindar myself I know that when the time of paying of revenue comes we insist on our cultivators to pay the revenue and in lieu of that revenue we take a certain quantity in kind of the stuff they have produced, and the question whether the big landlord gives the poor cultivator anything or not is a question which does not arise in this case. Why the big zamindars have not co-operated and why the thing has not become a success is because there has been no co-operation from the public and more so of a Local Government. I regard that as a necessary step which Government should take and they will find that in case that public co-operation is forthcoming the difficulty which the Central Government as well as the Provincial Governments are experiencing will vanish.

Sir, the only right way of now controlling the foodstuffs is to buy the whole crop. Have a Committee of public men as well as officials to advise in the matter and as regards the distribution of the whole stock is concerned. Rationing in so many cities—as General Wood has observed that in Bombay alone an establishment of 600 people will be required—will be dispensed with then because when you have the public co-operating these things can be cheaply managed with a small staff than with a big staff.

Now, Sir, time has proved that notwithstanding the Ordinances, notwithstanding the Defence of India Act and Regulations, notwithstanding the various legal enactments which are now on the Statute-book or which are contemplated to be put before the Legislature or before His Excellency the Viceroy for more Ordinances have not succeeded. Therefore, Sir, I would request the Government to seek the co-operation of the public leaders and those leaders whose voice has a command over the minds of the masses and then and then only you will succeed.

With these words, Sir, I express the hope that Government will associate Mahatma Gandhi and other public leaders with them and with their co-operation successfully achieve the end that they have in view.

THE HONOURABLE MR. M. N. DALAL (Bombay : Non-Muhammadan) : The food situation in the country today is very serious. According to the Senior Vice-President of the Calcutta Chamber of Commerce people in certain parts of the mofussil in Bengal have been eating leaves and grass. We are told that in the Central Provinces and Berar people have taken to tamarind seeds to satisfy their pangs of hunger. Food riots, once they start, might become a greater menace to this country than even the Japanese aggression. The main theme put up by Government for the failure of the food policy is that there has been a certain amount of hoarding. A certain amount of hoarding by the poorer and middle classes of people—say, about six months to a year's provisions in advance—has been in vogue in this country from time immemorial and inflationary prices have given an impetus to this practice. But it is, I think, a moot point whether we can condemn these poor and middle class people from an ethical or an economic point of view. There has also been a certain amount of hoarding by the producers, consumers and speculators, but it is idle to pretend that this is the main cause, because large hoards cannot be hidden for a long time and in my own Province of Bombay I know for a fact that the penalty for hoarding is so severe that it cannot be a real menace to the food situation in the country. Besides there is no small hoarding on the part of Government themselves. The All-India Food Conference, which met in Delhi on the 5th of July, *in camera*, without publishing even the Viceroy's opening speech, has arrived at certain indefinite conclusions and more or less maintains the *status quo*. The main decisions arrived at by this Conference are : no statutory fixation of maximum prices at the present stage, procurement operations, and the deficit provinces are left free to negotiate directly with the surplus areas. The surplus areas at the present stage do not seem to be very keen to help the deficit provinces and are taking the best advantage of the deficit provinces. For instance, I remember a few months back the Central Provinces had promised to give rice to Bombay : they have now gone back on their agreement. So far as the Government of Sind is concerned, we know that they have formed into a syndicate for the distribution of foodgrains and are working on a commercial basis. The Government of Sind, have made a profit of more than a crore of

[Mr. M. N. Dalal.]

rupees. The result is, Sir, that the price of rice in Bombay has gone up by four times, it has doubled only during the last six months and the quality has considerably deteriorated. If the present scheme of procurement is to achieve any degree of success the Central Government and the deficit provinces should not be left to the sweet will of the surplus areas. Having regard to the statistics and figures in the past the Central Government should insist on the surplus at a reasonable price.

Then, Sir, about procurement operations. The deficit provinces are now to make a direct approach to the surplus areas. This, in my opinion, might create a certain amount of unhealthy competition between the several deficit provinces and there might be a scramble for shipping and wagon space which might retard rather than enhance the food situation in this country. I for one would respectfully request Government to give up the idea of provincial autonomy in the several provinces when a question of life and death of the people is concerned. Besides this there are several other causes which account for the failure of the food policy. Firstly, there is no uniform basis of a rationing policy throughout India. For instance, in Bombay and its suburbs there is complete and stringent rationing, whereas in other important cities of India like Nagpur, Allahabad, Delhi and Lucknow, there is no stringent rationing. Then, Sir, the exports, at least in the past, by the Government of India, not only for military purposes, but for civilian purposes, and by such Government-helped agencies like the U. K. C. C., have been responsible to a certain extent for the shortage of foodstuffs in this country. I admit that all imports have been completely stopped, in view of the war situation—

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Exports have stopped after meeting the U. K. C. C. demand.

THE HONOURABLE MR. M. N. DALAL : A Government spokesman recently said that the shortage of foodstuffs in this country was only about 2 per cent. But, Sir, I ask you, what is 2 per cent. of the population of this country ? It is 8 million. And if there is only a 2 per cent. shortage, why have Government failed to control the food policy in this country ?

The obvious remedy now is to import wheat from Australia and rice from South America. Shipping space should be no consideration and no plea when a question of life and death is concerned. We have been told that Government are now going to purchase foodgrains to the extent of Rs. 100 crores. But we would like to know further—we would like information as to the methods they will employ to collect these grains and to distribute them. In Great Britain a subsidy of £100 million has been given if I remember rightly, in 1940-41, for a population of 40 million approximately, which works out to Rs. 34 per head. Now, if this sum of Rs. 100 crores can at all be called an indirect subsidy, for a population of 400 million, it works out at only Rs. 2-8 per head. I am aware, Mr. President, that India is primarily an agricultural country, but the effects of this purchase of foodgrains to the extent of Rs. 100 crores has to be closely watched.

The Grow More Food campaign has failed to create sufficient momentum to improve the food situation in this country. In this respect I would impress upon Government the necessity of importing more agricultural machinery and fertilizers whenever possible. I am aware that there are two very important decisions taken by the Hot Springs Food Conference, in which no less than 38 Allied countries conferred. Two of their most important decisions are that India shall now manufacture and export processed articles, and that machinery for the establishment of a factory for fertilizers is to arrive in India very soon. It remains to be seen, Mr. President, how soon this very important and necessary machinery arrives in this country.

Finally, it must be admitted that even a little hoarding by every agriculturist, by every producer, on the aggregate may amount to a huge quantity, and something has got to be done to make these poor producers disgorge their individual small stocks. The only useful way to make them disgorge would, in my opinion, be to give them a certain amount of gold and silver, either from Government stocks or by importation from the United States of America. This practice has been followed in the past and has proved successful.

THE HONOURABLE MR. HOSSAIN IMAM : During the last war.

THE HONOURABLE MR. M. N. DALAL : Mr. President, the solution of the food problem and thereby the improvement in the public morale is the essence of war-time

requirements. I would therefore request Government to create faith in the people by a firm, definite, sound and well co-ordinated food policy in the country. I congratulate Government on having now as their head in the Food Department a gentleman, a businessman who has a considerable amount of knowledge of commerce and foodstuffs, and I hope he will prove his worth by solving the food problem in the country.

THE HONOURABLE SARDAR SIR BUTA SINGH (Punjab : Sikh): Sir, the food situation in some parts of the country is deplorable. I feel that we should give as much help as possible to our stricken country-men. At the same time it must be remembered that those provinces themselves must do all they can to improve their food position. My information is that one of our provinces where condition are worst, has not been able to meet with sufficient efficiency or firmness a situation which might have been avoided. Prices here of wheat and paddy have risen to over Rs. 30 a maund and the Provincial Government has so far taken no visible steps to rectify this position.

In the Punjab, agents coming from deficit provinces have been buying wheat freely at an average rate of about Rs. 10 per maund. The overhead charges of taking the same to distances of a 1,000 miles or so *plus* railway freight and grinding charges etc., come to about Rs. 2-8-0 per maund. But flour in Calcutta, I understand, is selling at Rs. 35 or above per maund. I should like to know from Government as to who pockets the enormous difference between the buying price in the Punjab and the selling price in Calcutta? The profits must be huge.

My province feels that we would not like to sell cheaply to traders and so enable them to make enormous profits at the cost of the cultivator. If we could be assured that prices in deficit areas would be controlled and that dying people are receiving their food at actual purchase prices *plus* freight and essential minimum overhead charges, then I am sure my province will be happy to be selling at prices far below those prevailing in Bengal.

Turning to the rise in prices of foodgrains, we must go into the causes which have led to a bullish tendency. Firstly, everything has gone up in price and may I be allowed to point out that whereas foodgrains have only appreciated to the extent of three to three and a half times, their pre-war level, other commodities have gone up ten times and even more.

Our costs of agricultural production have risen enormously. *Bullocks* are now five times their normal price, and so are manures such as oilcake, etc. Iron is becoming almost unprocureable and agricultural labour is scarce and much dearer. These are essential factors controlling production costs. The poor agriculturists' own requirements such as cloth, shoes and various other necessities of life are to be bought only at extravagant prices and in an uncontrolled market. So the remedy lies in cheaper production costs and in intensifying our agricultural efforts.

We must see that every inch of ground is put to the best use and made to furnish the requirements of the starving population. Here, I must again make it clear that deficit provinces must pull their weight and give immediate effect to schemes of greater agricultural effort.

Bengal has enormous areas which can produce rice. Manure can double the yield of those lands that are already under cultivation. We must produce more not only for our own people but for those far-off lands which have suffered the ravages of war.

Lastly, we must not forget the man behind the plough. One cannot realise here the sufferings to which he was put when wheat and paddy fell to a level where he could not meet his essential commitments. They had to sell the household effects to meet Government revenue charges, and went to the extent of selling the few ornaments women-folk possessed in the villages. And these conditions did not prevail for just one year, but were continued over a period of many years. I regret to say no one came to his rescue, neither the Government nor the rich living in the towns.

I must strongly refute the allegation that cultivators in the Punjab are hoarding wheat with a view to profiteering, when people are dying of hunger. I know and it is a fact that the whole of last year's wheat crop was sold out by the producers before the end of that year and even this year no hoarding is being done. The normal

[Sir Buta Singh.]

quantity which found its way to the market has already passed out of the stocks of the producers. It is mainly due to the shortage of railway wagons and inter-provincial barriers, stopping movement of grain which are responsible for slow movement of food. There have been violent insinuation against the province I represent but I can affirm that the Punjab has met all the demands of wheat made by the Government of India and is prepared to help up to its utmost capacity. I fail to see how the Punjab can be accused of anti-social tendencies if the Centre cannot arrange transport to carry the wheat that is available. The province cannot be blamed for this failure.

The remedy lies in the lifting of these barriers and allowing free trade through, the normal channels to function.

Finally what is needed is to restore the confidence of the producer and to secure the co-operation of the trader. Without this it would not be possible to procure and obtain physical control over the commodities or to arrange their distribution from surplus to deficit areas.

THE HONOURABLE MR. SUSIL KUMAR RAY CHOWDHURY (West Bengal : Non-Muhammadan) : Sir, coming as I do from Bengal, the most affected of all the provinces in India, I feel very strongly about the food situation in my province. I regret very much that when people in my part of the country are dying of starvation the Government of India or at least some of its members are not paying sufficient consideration to the problem. It was amazing that the Leader of the other House made a statement in that House last week that he would be constrained to curtail the days fixed in the Assembly for discussing the food situation in the country on account of the slow progress of legislative business in that House as if legislative business is more important than finding ways and means for providing food to the starving population. Sir, I may be pardoned, if I say that this is nothing short of criminal negligence.

Then, Sir, may I ask the new Food Member whether it is a fact that a province was declared a surplus province after proper enquiries and statistics were taken, but subsequently a member of the Government of India coming from that province recommended that his province was not a surplus province as declared by the Government of India but was a deficit province and no export of foodstuff should be allowed from that province to the neighbouring province where there was acute shortage of food.

Sir, Bengal has fallen on very evil days. Last year we had a severe cyclone and flood in Midnapore and the main *aman* crop of the province was far below average because of that and also on account of some insects damaging the same. This year again we have flood in Burdwan and several other districts. Besides we have an unsympathetic Governor whose denial policy in the coastal districts of Bengal is responsible for many of the sufferings of the people of the province. The Government of Bengal is having a food drive and the Food Minister of that province has crept under the bedstead of every householder in the province in search of hidden food but this has all been in vain as food cannot be drawn from a carcass. Whatever that may be, the fact remains that the starving people from the countryside are coming to Calcutta in the hope of getting food and then dying in the streets of that city after several days of starvation and exposed to sun and rain.

Sir, I hope that the new Food Member of the Government of India will take steps to send some foodstuffs to Bengal immediately and earn the gratitude of that province. I also hope, Sir, that famine should be declared in Bengal and the Famine Code be applied therein.

THE HONOURABLE LT.-COLONEL SIR HISSAMUDDIN BAHADUR (Nominated Non-official) : Mr. President, Sir, I rise to thank the Honourable Food Secretary for his detailed and frank statement of facts and figures and for narrating all the timely steps taken from time to time by the Government of India, from the beginning of the war to date, and the description of the difficulties and obstructions they had to encounter. Thanks to the prudence and vigilance of the Government of India that the situation remained in hand and safe from deterioration in face of the unscrupulous hoarders and profiteers.

India today is in the midst of a most difficult food problem. I think it is far more necessary to tackle this problem directly by making concrete workable suggestions and find a solution in complete co-operation with the Government for the common cause, than delve into the past and try to find excuses and criticism. I would appeal to the side opposite that our entire efforts and energies should be directed towards this common problem and every assistance extended to the Government to bring to book the hoarders, who are public enemy No. 1.

In my opinion the Government of India should consider the feasibility of gradually restoring free trade throughout India as the means of ensuring steady supply, thereby bringing down the general price level and distributing supplies commensurate with the needs of various parts of India. The Central Government should take up the ultimate responsibility to organize and co-ordinate the All-India Food Policy. There should be Provincial, District and Local Towns Committees to advise the authorities on the food problems. The production of each province as against its requirements should be assessed, as this experiment has proved a success in Bhopal State. From the provincial surplus, to be intimated by the Provincial Governments to the Central Government, the demands of the Army and deficit provinces should be met.

The House will agree with me that the two million soldiers, serving either in India or abroad, form population of India and are India's liability and must be properly fed. They must be provided their share of the food, with a surplus from crop to crop. India is responsible to feed her two million children in the army.

I am sure by the simple workable skeleton process forming the fundamental basis as suggested by me, the much vexed question of food would be solved to the advantage of all concerned.

With these words, Sir, I support the Motion.

THE HONOURABLE SIR DAVID DEVADOSS (Nominated Non-official): Sir, I have listened very carefully to the very good speech of the Honourable and Gallant Member in charge of this subject. The Government, both Central

1 P. M. and Provincial, were under the impression that India was not in need of foodgrains from outside. They forgot for the moment that Madras was importing at least 140,000 tons of rice from Burma and about 50,000 tons of broken rice from Saigon. I am not concerned with the quantity that Bengal imported from Burma. We are now asked to feed the people in Ceylon, the people in Travancore and the people in Cochin, in addition to the large number of evacuees who have come to India, at least to the Madras Presidency and the hundreds of thousands of prisoners who are quartered in Southern India. Sir, forgetting these facts it has been asserted till quite recently that India is self-sufficient. Government imported a rationing expert from England. Before he even literally landed in the country, he said India is not suffering from want of foodstuffs and trotted out the bogey that there was hoarding in the country. Sir, I cannot speak for other provinces but I can speak for the Madras Presidency. Sir, there is hardly any hoarding in that Presidency. This is a bogey which is conveniently trotted out by the Government which has failed to do its duty to the people. We have been crying for a long time that we are in need of foodstuffs. Where have they got the hoarding? Have they prosecuted the people who have hoarded? Have they found hoarding anywhere? It may be that some of these ryots keep enough for the year. In Madras the practice is that the labourers are paid in kind in most of the districts. If they are not paid in kind they would not work and the lands will lie fallow. I can speak for Tanjore, Chingleput and one or two other districts. Can that be said to be hoarding when a man keeps enough for the year?

THE HONOURABLE MR. SUSIL KUMAR RAY CHOWDHURY: It is the same in Bengal also. They are paid in kind.

THE HONOURABLE SIR DAVID DEVADOSS: Can it be said to be hoarding when a man stocks 100 kottais. He has got to feed 100 farm servants and his family. What is he to do? Money would be of any use. This bogey of hoarding has been trotted out by the Government in order to excuse themselves. So far as Madras is concerned, it is not correct. Then, Sir, to say that Madras has got enough to eat is not only a wrong statement, but a misleading statement. The West Coast of Madras at least has had an epidemic attack of cholera. Thousands were dying.

[Sir David Devadoss.]

in Calicut and other places. Now I have read in a Madras paper that it has come to Madras. Your censors can control the spread of news but not the breeding or spreading of cholera microbes. What does this mean? It means that the people have not got the stamina to resist the disease, they have not got the strength to overcome the infection. My point is emphasised by this fact that the incidence of death was 80 per cent. of the attacks in Calicut and other places. It has never been so. When there was a serious outbreak of cholera the incidence used to be 20 or 30 per cent. But on account of the want of stamina of the people, 80 per cent. of the attacks have proved fatal. These are facts which cannot be challenged. We do not know whether you have got the correct figures, because the tendency of most of the lower officials is to reduce the number of attacks and deaths. For instance take Ajmer-Merwara; papers said that there were 8,000 deaths on account of the floods. This morning I read in the official communiqué that there were only 1,000 deaths. There is this vast difference. I leave it to the House to judge which is more likely to be correct. I am not holding a brief for anybody. This will affect you in a very important manner. Supposing the infection spreads to your army. It will do more harm than any number of bombs that the Japanese or anybody else could throw on them. You may burke all the information. You may censor all the information; but the fact is there that Madras is now affected by a serious epidemic of cholera and you have got a very large contingent there. You have got thousands of troops there. Supposing it spreads among the troop population, what will you do? Therefore, I say it is very important for you to feed the people and see that epidemics do not spread and consider it as a part of your war effort. Get food from outside and see that the people are fed, not overfed. I wondered which genius briefed the Secretary of State when he said that people have got easy money and they are overfed and that is the reason for the shortage of food. I was surprised to see that statement only a few days ago. He gave three or four reasons, but the main reason was that people have got easy money and therefore they eat too much and consequently there is a shortage of food. I hope he will pay a visit to India and see for himself. The Department is now saying "Grow More Food". You cannot grow more food by passing Ordinances. Not even the British Parliament which is all powerful can raise food by saying "Raise More Food".

In this connection I have got a complaint, if you will pardon a personal allusion, which shows how the Department is working. Pardon me for saying that there is want of common sense in the Department. I have the fortune or the misfortune of having an estate outside Madras within 12 miles. I grow rice there. In April last I wanted only one bag of rice grown by my servants on my own land to be taken to Kodaikanal when I went there. The Collector of Madras said you may take it. The Collector of Chingleput wrote a very nice letter and said "I regret very much that the Controller of Civil Supplies does not permit you to carry one bag of rice. One bag of rice means 180 lbs. It was for my own use add that of my family. We were prevented from having it because we could not get a permit. We could not send it by railway. And that is the way in which work is carried on."

Another instance. My daughter has got a coffee estate within the Travancore boundary but within six miles of Panagudi, a town in the Tinnevely district. There is no access to it from Travancore. The estate is situated on the British side. Well, Sir, she is prevented from taking rice for her own servants and for her work people. The work people are from Panagudi which is a British town and this is within seven miles of it only. The coffee crop has to be gathered and other crops have to be raised; vegetables and other things have to be brought down. No cooly would go. Money would not make them fill their insides. They want rice. I wrote two letters and the last reply was that they were considering the question. How long are they going to consider the question. There is want of a little common-sense on the part of these people. You want people to grow more food and when they want to do it you put obstacles in their way, because you have said that nothing should go out of the province into Travancore territory. Travancore territory is only a name. It is really the same thing. Within 7 miles you have got the State.

Well, Sir, I do not want to dilate upon these my own particular grievances, but I will mention other things. You say "Grow More Food". Quite so, we are

all trying to do that. I have told my agent in Kodaikanal to do as much as possible, but what happened? The Madras Government said "We will give you all the land for growing food". Well, middle class people—teachers and others—went and removed the undergrowth and began to cultivate potatoes and other things. Probably the Karnam was not properly looked after. He wrote to the tehsildar reporting that these people had cut down trees. Sir, there are no timber trees in Kodaikanal unless you plant eucalyptus and other trees. There are only wild growths of wattle and other things. The tehsildar said No..... They came and asked me to interfere. I told them to write to the Collector, and to the Divisional officer, they wrote to them but nothing happened for six months. Then luckily one of the Advisers to the Governor happened to visit the area. He knew the place and found that these people had put in a lot of money, they had removed the undergrowth from the virgin soil and had also put in a lot of labour and felt that they must be allowed to cultivate. This is now being done, but the difficulty is that though superior officers from the Governor downwards say "You cultivate and try to raise produce as much as possible" the revenue officials are in the way. If a man takes a bucket of water they threaten him with an enhancement of his assessment. I think those who are familiar with the conditions in Madras know that what is called an annual *Jamabandi* is held by officers of the Revenue Department. Every tehsildar, every Revenue Inspector wants to treat the people as the enemy of the Government. Now you say "Grow More Food". How can you make them grow more food. Give them all the facilities they want for the purpose. And then unfortunately, Sir, in Madras last year there was a failure of the monsoon. The north-east monsoon is a most important monsoon for the eastern districts. It was an utter failure and consequently famine conditions prevailed in several districts. Well, to add to the trouble we had a cyclone, in May last, which damaged a lot of crops in the Tanjore and in the South Arcot districts. Now, Sir, these things have to be taken into consideration. It is all very well for people here to write big theses and so on: I do not want to make fun of them but they must understand the real conditions: that the people are really suffering. Go into the provinces, go into the districts, go into the villages and take the opinion of the people who are there. Your official reports are of no use. With due respect, Sir, these official reports are prepared in such a way as to please the superior authorities. I speak no doubt freely but I am speaking with some knowledge of the things that are happening. You go and make private enquiries and see how the things are. They say they have to submit such reports as otherwise the superior authorities will not be pleased.

Well, Sir, I do not want to take up the time of the House but what I want to know is what steps are we taking now to relieve the distress in Madras. No doubt the Honourable Member said they are going to do a lot of things but it takes long before Government is able to do anything and we want action to be taken very urgently. We do not know what the north-east monsoon is going to be: if it is a failure conditions will be still worse and therefore, Sir, we must put our shoulders to the wheel. Get as much help from the non-officials as possible. Do not think of prestige, do not think of rules and regulations when people are starving and a change is badly wanted. What I say is this: make it a part of your duty, as you are doing in the case of the war, get food from outside, wheat or rice or whatever you can get from outside, just as you think of armaments, think also of feeding the population. There are already signs of an epidemic in my province. If this epidemic spreads you will find that the sufferers will be your army men, because, as you know very well, Sir, neither a European nor an American is immune to the Asiatic cholera that is prevailing in Madras.

With these few words I request Government to forget the past and do whatever is possible for the present and for the future. (*Applause.*)

The Council then adjourned for Lunch till Three of the Clock.

The Council re-assembled after Lunch at Three of the Clock, the Honourable the President in the Chair.

THE HONOURABLE SIR SARDAR JOGENDRA SINGH (Education, Health and Lands Member): Sir, may I intrude for a few moments and say that though the distribution of food and its marketing is important, its production is of no less importance. Food must be produced first to be available for distribution.

[Sir Jogendra Singh.]

Let us for a moment lift our eye and survey millions of men and women who are now engaged in the heat of the sun, in the pouring rain and in puddled mud in producing food, on a wage which does not afford even bare necessities of life. It is these men whose destinies we decide. It is these men on whose well-being the well-being of India depends. They have never known the meaning of hoarding; from the day the grain appears on the threshing floor, they share it, and share it freely with others. Indeed grain often disappears from the threshing floor and the producer has to live on borrowing till the next crop. This endless struggle continues from year to year. If the producers, by self-denial, instead of placing in the market consume an additional ounce per day, they can consume 30 lakh tons of grain in a year, and if they produce an additional maund per acre, they can place 30 lakh tons in the common pool for urban consumption.

The normal consumption per head of population is about 22 ounces. I am placing on the table a statement* showing production per head for all the provinces of India. For instance, Bengal produces 19·9 ounces per unit of consumption and by imports and other sources raises available grain for consumption to 20·5 ounces, while the Punjab produces 25·7 ounces, exports 6,31,000 tons and provides for home consumption 23·3 ounces per unit of consumption. You will see that the margin even in surplus provinces is not very large.

These figures are illustrative as to the surplus available and the deficit to be met in deficit provinces. They reveal the naked fact that unless provinces pool their production as in normal times and surplus provinces consume no more than in normal times, the flow of food from surplus to deficit areas cannot be forced by measures which may have an adverse effect leading to increased consumption and decreased production.

We complain of the high prices of foodstuffs and milk and scarcity of ghee. The fact is that we, the educated classes, have done little to improve rural conditions and to modernise production. We have upheld the sanctity of the cow and we are anxious to promote human welfare, but we have paid little attention to problems of animal husbandry or to improve the living conditions in the villages. We have been caught by the war; we have been anxious to employ modern methods of controls and rationing, relying more on coercion than on co-operation of traders and businessmen. The result is that normal channels of trade have ceased to flow, the confidence of the people has been shaken and the traders no more coax commodities from the meagre resources of 650,000 villages and carry the grain where needed as in normal times. It is not only that the cultivator has lost confidence but Governments of Provinces and States, both in surplus and deficit areas, have been conserving their own resources, building up reserves in some areas and thus preventing the free flow of commodities. It has become a fashion to condemn the trader, and the businessman. The wise words of Colonel Sleeman written in 1834 are not without significance to-day :—

“ In societies constituted like that of India ”, he said, “ the trade of the corn-dealer is more essentially necessary for the welfare of the community than in any other, for it is among them that the superabundance of seasons of plenty requires most to be stored up for seasons of scarcity and if public functionaries will take upon themselves to seize such stores, and sell them at their own arbitrary prices, whenever prices happen to rise beyond the rate which they in their short-sighted wisdom think just, no corn-dealer will ever collect such stores. Hitherto, whenever grain has become dear at any military or civil station, we have seen the civil functionaries urged to prohibit its egress—to search for the hidden stores, and to coerce the proprietors to the sale in all manner of ways; and, if they do not yield to the ignorant clamour, they are set down as indifferent to the sufferings of their fellow-creatures around them, and as blindly supporting the worst enemies of mankind in the worst species of inquiry ”.

Without the trader, the trade of this country cannot function; and without the enterprise of businessmen we could not have assured supplies of iron and steel, sugar, cloth, drugs, paper and thousands of other requirements of war which our businessmen have been producing on a scale which could not have been possible twenty years ago. Indeed, it is by fostering growth of capital, encouraging business enterprise and trade that we can hope to serve the best interests of our population and secure some place in the world which is in the making.

On the production side, we have not been idling. We have been doing all that we could to increase production. Agricultural production cannot be increased by a

*See Appendix at end of these debates.

mere waving of the wand. It needs months of preparation of the seed bed, and then nursing the sown seed, which in large areas is still at the mercy of the wind and the weather.

The need for increased food production was emphasised in March, 1942. Provinces were encouraged to offer facilities to growers for growing more food and 29 lakhs of rupees were given to Provinces and States in 1942-43 from the Cotton Fund to help those growers who switched over from cotton to food crops. As a result, 53.39 lakhs of acres were diverted from cotton alone to food crops. Taken as a whole, 13½ lakhs of additional acreage were put under rice, 1½ lakhs under wheat and 69 lakhs under millets and maize. Unfortunately the season for rice was very bad in the east and south, with the result that in spite of the increase in acreage the rice production decreased by 8 lakhs of tons. It is this deficit which is in part responsible for the present food situation.

In the current year 1943-44, in order to give a further impetus to increased food production, thanks to the help given by my colleague, the Finance Member, we were able to set apart Rs. 50 lakhs for helping provinces to increase their food production. A Director of Agricultural Production was appointed who goes round to the provinces and the Indian States and advises them as to the lines of work necessary for increasing food production. An Irrigation Expert has been appointed who advises provinces similarly about taking up suitable schemes for irrigation, particularly for tube wells so as to increase yields or bring more land under cultivation. Already grants to the extent of Rs. 49 lakhs have been given to provinces in addition to Rs. 15 lakhs from the Cotton Fund and Rs. 99 lakhs have been advanced to them as loans. Among the schemes sanctioned is one for treating town waste by a new method so as to supply several lakhs of maunds of manure to cultivators. Help has also been given to provinces for securing vegetable seeds and for growing seeds in this connection in India in future. It is hoped to secure an increase of a large acreage under *kharif* food crops and 13½ lakhs of acres under *rabi* crops as compared with 1941-42. If, however, nature is more bountiful than it was last year, it is hoped that the rice outturn will increase considerably and if so, the position will improve as soon as the main new rice crop comes in to the market.

May I take the Council into my confidence and say that my Department is busy in preparing material for Committees which are to plan a programme of rural reconstruction aiming at improving living conditions in the villages. I have already announced the constitution of a Health Committee. The Educational Adviser is engaged in preparing material for a programme of Education, both literary and technical. An Agricultural Committee will be at work from about the 1st November this year. It is my hope that these Committees will plan a programme and their recommendations would be acted upon and carried out within a definite number of years.

We have all been clamouring for controls and rationing because we know England has taken such measures to feed its population in war-time. We have forgotten that conditions are altogether different between the two countries. It is true that England has succeeded in securing steady flow of commodities at a fairly stable price, but it is perhaps not known what the system has been costing in subsidies. According to Mr. Mabane, quoted in *Economist* of May 22nd, in the year 1942 up to March 31st its cost Government in subsidies £145 millions. Milk, for instance, for general consumption has been subsidised to the tune of £11 millions and for schools £17 millions.

The debate would have a value if we can pool our knowledge and formulate a policy of permanent use and we can define the first principle of production and distribution. The grim reality which we must face is the fact that all the provinces of India do not produce enough food of the right kind to provide a mixed diet for more than a fraction of their population. It was not without reason that General Megaw in the year 1933 held that only 39 per cent. were well nourished, 41 per cent. were poorly nourished and 20 per cent. were badly nourished. Ten years have gone and the condition of our primary producer has not improved. Unless the working capacity and efficiency of the agriculturist is improved, the vicious circle of low wages and distressing living conditions cannot be broken. We have our eyes fixed on the spiral of inflation and rising prices, but what we need is giving some attention to the chronic spiral of scarcity, poverty, disease and distress. We shall have to face

[Sir Jogendra Singh.]

the problem of increasing production and purchasing power of our population. We may have to submit to high prices of commodities in the interest of all the people of India. If we do so within ten years we can break the spiral, create an enormous home demand for goods, leading to expansion of industry, rise all round in the wage structure and healthier living conditions.

The price is not a meaningless symbol, a mere rubric on the temple of money power. It determines the wage of the producer, creates or restricts the demand of consumable goods and controls the scope of industrial expansion. Indeed economic conditions even govern the political progress. If we can give our people full employment, wages bearing some relation to wages which obtain elsewhere and if we improve health and with it productive efficiency of our masses and secure a wide and fair distribution of wealth, I can assure you that problems which assail us today will find a natural solution and we shall rise by our own effort to a position of equality in the Commonwealth of Nations to which we are promised an entry.

THE HONOURABLE SIR A. P. PATRO (Nominated Non-Official) : Sir, after the illuminating speech of the Honourable Member elsewhere and the special pleading of the Honourable the Mover of this Motion, one fact seems to be very clear, namely, that there was an incessant struggle between Centre and the provinces, that the Centre wanted to have its advice carried and wanted to effect co-ordination among the work of the provinces. Six price Control Conferences are said to have been convened from time to time at great expense and labour, and three Food Conferences seem to have been convened from time to time. The result of the very strenuous labours of these bodies is said to be that in the urban areas they should introduce rationing as a solution of this grave problem.

(At this stage the Honourable the President vacated the Chair, which was taken by the Honourable Mr. V. V. Kalikar.)

Sir, it seems to me that this problem of food is not so much in the cities and towns as in the villages and taluks, in the agricultural area, and amongst persons who produce food for others. In other words, you have the wealthy people who are sufficiently protected and then you have got the higher middle class who have equal opportunities with the wealthy classes to secure food and stock it, and there are also the poorer classes that are suffering. It is not because there is so much suffering in the cities or in the upper middle classes. It is the poor middle class of a particular section that takes advantage of the scarcity that prevails in several parts of India and wants to make capital out of it and agitate and say "That is entirely due to the failure of food supply". In other words, it is sought to make political capital out of the situation. But what practical suggestions have been made by the Government at the Centre or by the provinces in order to relieve the poor man of this difficulty, *viz.*, scarcity of food. No doubt wages have increased, whether he works in a railway or company or in connection with any war work. But it takes him out of the village and the man and his family want food. He takes the basket round. The retail dealer refuses because he has no stock and they cannot buy from the wholesale dealer. What is to be the position of such people, the agricultural population of the rural areas? I am more concerned with them than with the other classes. Government servants have their fare secured for them. The company's servants are similarly provided for by the companies. Industrial agencies have been getting sufficient food for their employees. The labourers in the mill area have got their food supply properly. Who is it then who is the actual sufferer in the country? The people in the rural areas are not able to get sufficient food. That is the problem that the Government have got to tackle. The Central Government says it is a question to be dealt with by the provinces. Quite true, provincial autonomy has given certain powers for the provinces to be exercised by them. But as the Centre always claims to have certain control in certain matters, they have to invoke those powers for the purpose of guiding and controlling them. I do not wish that the Centre should interfere at every stage of the proceedings of the provinces. The provinces should be left to themselves. If that is done certain provinces will not be vying with one another in stocking food in reserve. No doubt there are two main causes why this kind of scare has been created. In the rural areas when the Provincial Administration appoints inspectors and others and they go round, scare is created among the merchants, the *banyas* and the *sowcars*, who bury their stocks under

ground without being made available for the market immediately. Some of them are very canny people and they have to be dealt with drastically. The officers who are deputed for this kind of work are not sufficiently strong people. They should make no distinction between the rich and the poor, between man and man. They should be dealt with drastically as they create scare in order to raise prices. The rise in prices is not due to the scarcity of food in the villages. It is due to this scare created by interested people, and everyone reserves a certain amount of rice or *ragi* and the result is that the foodstuffs does not get to the market; the consequence is that there is scarcity of food in the villages. How are you going to tackle the problem? I have listened to the speech of the Honourable Member but I am not able to find anything which would help me in trying to understand the position in the rural areas. You may do anything for the city in order to satisfy the cry of interested people, the cry of agitation, the cry of loud-mouthed people; but because the villages are silent, they suffer silently. You do not care for their interests. You have not provided any means by which you could carry relief to them. I understand that the Honourable Member has said that the village committees should be revived and the landholder and the zamindar should take up the question of relieving the rural areas. It is a misunderstanding of the position, Sir. The zamindar and the landholder are no where now. They are under the control of the tenant and the ryot; they scarcely get enough to pay the land revenue. When they can't help themselves, how can they help you? What have the Government, Central and provincial, done to relieve the troubles of the zamindars and the landholders? How can they relieve the situation? They are themselves in such a helpless position. In the old days they were certainly exercising a certain influence over rural areas. But those days are gone, and things have changed now. Therefore, it will be vain to expect them to help you in an effective manner. The problem of the rural areas is more serious than that of the urban areas. You may have rationing. But what about the rural population? It is their discontent that you have to take into serious consideration. I can warn you that already there is a rumbling noise in certain quarters. Unless immediate steps are taken to relieve the sufferings of the rural population, there will be great unrest. The problem is not one for conferences or for passing resolutions, but the Centre must ask the provinces to move in the matter—never mind whether they are governed by section 93 or whether there are coalition ministries there. In some provinces they are not doing what they ought to have done. They knew from the beginning that there is going to be scarcity of food. They were aware of difficulties that would arise from the situation of the war because not only the two millions of soldiers have to be supplied with rice, not only those prisoners who have been placed here in India have to be supplied, but they have also to feed the people. There are difficulties of transport. In this state when the Government is buying and Government's agents are buying and reserving food, what happens? The ordinary merchant sells his stock to the Government agent with a view to get more price for it and when he goes back to the village or to the town he says he has no stock, and then, Sir, he raises the price from Rs. 16 to Rs. 34. Now they have to pay and take it.

Now it is said, "Oh, the wages have gone up and the people are earning more money than before, therefore the economic position has improved and it is not, therefore, the economic distress that is prevailing". On the other hand, take the producer's case, of a family consisting of man, wife and three children. We have investigated the matter and it is found that he is always in chronic debt. This is my conclusion as a result of my non-official investigations into the rural problem and is also borne out by a Government agent—an official—who had been appointed to enquire into the matter. His recommendations showed that people who have had 16 acres of land are still in debt and unable to make both ends meet. Therefore, as you will see, the position of the ryot, or cultivator or the *pattedar* in the rural area is not that of a trader or a merchant, but he is a man who has to produce. What encouragement is there for him? Have you provided any form of help or encouragement to him? He has to pay off every time at re-settlement rates. He has to pay irrigation cess, he has to pay, what is called, the road cess and he has to pay —.

THE HONOURABLE SIR DAVID DEVADOSS: Village cess.

THE HONOURABLE SIR A. P. PATRO : Yes, village cess. He has to pay everything. It is the *pattedar* who holds the land. It is the cultivator who has to pay all these cesses and in order to pay these charges he has to sell produce. Not only has he to sell the produce, keeping something for his food, but even that reserve also he must bring out in order to meet the charges. Thus the position of the cultivator and the producer of food in the rural areas is a very, very discouraging one. Hence people in the rural areas laugh at your proposal to grow more food. They have told me, "What is this? How can we grow more food when we are not able to grow sufficient in our own holdings? What are the advances that Government is going to give us and what facilities are they going to give us in the way of irrigation? Are they going to repair our tanks or are they going to bring in a new canal from the river with a view to irrigate our lands? What is it that would encourage us to go in for fresh cultivation of the lands? Grow more food is really an unreal thing. It is a farce."

In the matter of irrigation any figures on paper—1 lakh or 10 lakhs—have been added. If the produce has been sufficient and if the produce has been such as the tales of the Government records disclose then why is all this struggle for food? Why should this discussion of the problem come in if really more food has been produced?

Then, Sir, the Honourable the Mover has told us what the three requisite fundamentals are and he has described them very clearly and described the way in which they have been dealing with the provinces in the matter of these. He has placed the whole responsibility on the provinces for carrying out the objects in view but then there are no uniform rules that could be applied to all the provinces. Provinces differ in their economic conditions and in their agricultural conditions. I will give just an instance of what is happening in the Madras Presidency. Take what are called the "Ceded Districts"; they are dry districts where they grow and not rice. Now they are periodically subject to scarcity and last year, owing to the seasonal failure of rains in the Ceded Districts, there was famine. On the other hand, in the adjoining district we had a good crops. In the province itself there are districts where the produce varies and the economic conditions vary. Therefore that you should apply a uniform principle seems to me altogether impracticable and that the Centre should insist on provinces not reserving even a straw for themselves but giving over surplus or excess to other provinces seems not a practical proposition. No doubt it was good in theory but what was the reply of the provinces and the Conferences? From the reports of the Conference we find that the provinces are unable to do so because they have to calculate what would happen to the next crop. Now the dry crops have all been harvested and it remains to be seen whether the crop would go to the market or whether it would be sufficient only for consumption by the people of the rural areas. Therefore, Sir, in these circumstances any attempt made by the Centre in the matter of distribution seems to me not a practical proposition. Secondly, you must leave the provinces a free hand to deal with but wherever there is necessity of co-ordination between a province and province the Centre may interfere and advise them in the matter. Such being the case the problem is not an easy one—it is a very complex one—and it must, therefore, be dealt with very cautiously.

THE HONOURABLE SARDAR SIR JOGENDRA SINGH : May I inform my Honourable friend Sir A. P. Patro, that so far as the Grow More Food campaign is concerned, the suggestions he has made about cleaning the tanks, affording new facilities for irrigation, digging up new canals, putting up tube-wells, this is what we are trying to do.

THE HONOURABLE SIR A. P. PATRO : By the time the well is dug the man will die.

THE HONOURABLE SARDAR SIR JOGENDRA SINGH : Is there any other way of doing what the Honourable Member desires?

***THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan) :** Before I commence my remarks on the Food Resolution proper, permit me, Sir, to speak a few words about the fickle nature of the Government of India. This Department, the most important at the moment for the Home Front, has been the

shuttlecock of the Government of India, being transferred from one hand to the other, both as to its Honourable Members and Secretaries. If I am not mistaken, Sir, four or five Honourable Members and more than that number of Secretaries have tackled this question in the space of just two years, since we had the first expansion of the Executive Council. Government always regarded it in the beginning as a most unnecessary department, and it was impertinence on the part of the legislators and the representatives of the people to suggest even that there could arise a food crisis in India. We were regarded, as usual, by these misinformed people who have the government in their hands, as visionaries. I would have liked to trace the history of this Department since its inception—which is the normal period of human gestation. Since it was formed it has seen three Honourable Members, and it is going to see three Secretaries, and probably three more Members too. Within the short space of nine months ! I ask the business people to tell me what would happen to a business in which both the head and the general manager were being changed so often.

The Department, when it was conceived, was in the hands of Mr. N. R. Sarker and the late Mr. Holdsworth. Then we had the unfortunate affair of the 10th February. After that the Department remained without a Member. Then the Governor General in his wisdom appointed a Member to take charge of this Department. I ask : Was the Government so blind to the reality of the situation that it did not think that the three departments were too many for one Member ? What new situation has arisen ? If they could not foresee anything, if everything must come before their nose for them to see, I am hopelessly disappointed in them. On the 3rd May the Commerce Member takes charge. Until then there was no need to bifurcate his Departments. But all of a sudden this wisdom descends on the Head of the Administration to divide up. Now, look at the unreality of the situation. The Executive Council is not consulted on this issue. The statement is very definite that Members who were concerned were asked. I have nothing to say against the Honourable Member who has taken over charge of this Department or against the Member who is handing over the charge. But I do ask the Head of the Administration to make clear what was the need for it and how the need cropped up all of a sudden after the 3rd of May—and before the 11th of August ?

Now, Sir, further on we find that the Government has been showing discourtesy to the Houses of the Legislature consistently. Even this announcement of change of portfolios could neither be made in the Legislative Assembly when it discussed the food situation on the 10th August, nor could the announcement wait for today when this House is discussing the matter. It needs must come on the 11th August. Otherwise the heavens would fall !

THE HONOURABLE THE CHAIRMAN (The Honourable Mr. V. V. Kalikar) : May I request the Honourable Member to confine himself to the Motion before the House ?

THE HONOURABLE MR. HOSSAIN IMAM : It will materially affect the handling of the food situation. My submission, Mr. Chairman, is that when there is no security of tenure, when the Member does not know how long he is to carry on the Department, when it depends upon the capriciousness of the Head of the Administration to transfer or to retain the portfolio, I do not think that I will get a fair deal from the Department and the Member. It will be really asking a Member too much to take responsibility on his shoulders and then keep the sword of Damocles hanging over his head.

There are many unemployed Members in the Government of India who have got very little work. We all know that the Honourable the new Food Member was not the only unemployed Member. There are two more unemployed Members still left. I do not know which other Departments will be smuggled to their portfolios—merely because of their unemployment. If they are unemployed, well, give them the dole, and send them to the Secretary of State's Council, because that is the place for them.

Sir, I will come back to the Resolution. I am grateful to the Department of Information for having sent to us the full text of the speech of the *ex-Food* Member. But I wish I had received it a little earlier, so that I might have been able to give more time to it. The speech of Major-General Wood was well documented. But unfortunately it was as silent as the Food Member's speech as regards the future. It told us what were the problems and what were the difficulties, and of the efforts which has

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been made to surmount those difficulties. But in the matter of cut and dried schemes, we had very little information from Major-General Wood. The Honourable Member in charge of Education, Health and Lands made, as usual, a thought-provoking speech, with his impatient advocacy of the backbone of India—the farmer. But there were some special pleadings also for the traders and businessmen. I shall deal with these points in their order.

My difficulty, Sir, is that I do not know exactly where I stand. Members of the Central Legislature are in a sort of suspended animation. They have ceased, according to the Government of India, to be representative. And yet they are not sent back to their constituencies. While countries like South Africa, Australia and Canada are holding elections, in this God-forsaken country elections cannot take place, even though, according to even the Viceroy, the dangers are now far removed. Even then elections cannot take place. You deprive us of the opportunity of getting a fresh sanction from our people, and then you condemn us as being no longer representative. What is the meaning of this? It is really a farce to carry on the Central Legislature without a re-election. The Assembly has had its life extended three times. There should have been three general elections if they had not renewed the Assembly on one pretext or the other.

THE HONOURABLE THE CHAIRMAN (The Honourable Mr. V. V. Kalikar) : May I again ask the Honourable Member to confine his remarks to the Motion before the House?

THE HONOURABLE MR. HOSSAIN IMAM : Mr. Chairman, my difficulty is that I come from a province where there is no representative Government. The Government of India consults the Provincial Government, which has absolutely no idea of what my problems are. It is worse than the Montford scheme. Those of us who have the misfortune to live in a section 93 province can find no voice in the Government of India. That is my complaint. You do not associate the Central Legislature. You do not have any other machinery of finding what my difficulties are. And yet you come and tell me that you have consulted my Provincial Government. The Provincial Government is just a subordinate branch of the Governor General acting in his own discretion, untrammelled by the advice of the Honourable Members, a *swaraj* within a *swaraj* within a *swaraj*. This is the third degree of *swaraj*. The Viceroy has *swaraj*, the Governors have their *swaraj*, and then Advisers have their *swaraj*. In the name of *swaraj* for the provinces, that is the reality of the situation to which the Government of India always turn a blind convenient eye. They will always bring forward the excuse that the Government of India Act stands in their way, as if the Government of India Act has not been torn to pieces in almost every respect. I do want the Government to tell us facts and figures and not estimates. I, along with the Honourable Member in charge of the Department of Education, Health and Lands, know how unreal our statistics are. They are not based on real factual data. They are estimates at the best. The organisation for bringing the statistics to the reality of the situation does not exist in India. There is no correct statistics of what the real position in the country is. I have before me certain concrete, definite figures. When we are suffering from this dearth of foodstuffs, is it really necessary that in addition to the Government exports for the Army and for the Allies, a huge export in foodgrains should be allowed on private account? The figures before me are very telling. In March, 1943, the export was Rs. 315 lakhs worth of goods, of foodstuffs. That was in one month alone. In April, it went up to Rs. 354 lakhs.

MAJOR-GENERAL THE HONOURABLE E. WOOD : Will the Honourable Member say from where he has secured his information?

THE HONOURABLE MR. HOSSAIN IMAM : I am giving statistics from Commerce, which takes its clue from the information published by the Department of Statistics.

MAJOR-GENERAL THE HONOURABLE E. WOOD : Could he please tell us whether it is in tons or maunds?

THE HONOURABLE MR. HOSSAIN IMAM : Only the value is given here and not the details. But he has got figures separately for foodstuffs, for raw materials, manufactures and other items. In all other items, in March, there was a reduction and so was there in April too. The total exports amounted to Rs. 1,779 lakhs in April, 1942, and it fell in 1943 to Rs. 1,563 lakhs, a reduction of Rs. 2 crores

in 1943 as compared with April, 1942. But in the matter of foodstuffs, it had gone up from Rs. 245 lakhs to Rs. 354 lakhs. That is, more than a crore worth of foodstuffs were exported to outside countries, and this on private account. This is what has produced all this trouble. The total figure for the annual export is also illuminating. In the 12 months ending March, 1943, it amounted to nearly Rs. 47 crores. As you know, Sir, owing to the Japanese menace, nowadays very little of the home trade is carried on board ships. That is the greatest difficulty. I want the Government to come forward with a comprehensive, all-embracing measure. The difficulty is that the Government of India have many Departments. Each Department has got a *swaraj* of its own. If it butts into another Department's sphere, it is told, "You have no business to come here". Export is under one Department, "Grow More Food" campaign is under another Department, its distribution is another person's business. This sort of thing may be all right for peacetime, but when we are living in special conditions, this will never do. Government may go on changing the Secretaries and the Members *ad infinitum*, but they will never succeed in tackling the situation unless they have drive, imagination and determination to do the thing. This excuse that the provinces stand in the way is illusory. I for one believe that if the Government of India determine to do a thing—I am talking of the Government of India as a whole, as apart from the Department; that can only be decided by the general decision of the Governor General in Council—then they can do wonders.

I do not wish to take up the time of the House too much but I will be failing in my duty if I did not tackle some of the questions. Major-General Wood had something to say about the producers who are hoarding, and he instanced the big hoarders who are the first culprits, and then there are the small hoarders also. But are they the only persons who are to be blamed? Are not the traders doing the same thing? Are not the Government themselves doing the same thing? The Government are also hoarding, the trader is hoarding and the cultivator is also hoarding. I am a cultivator and a farmer and I can say this. But who are the men who are the real hoarders? Who is the enemy No. 1 of the country and the society who is rewarded by the Government of India? Every time you will find that when a crop is harvested, the prices are low. When it is moved to the urban areas and only a few producers have stocks, the prices start rising up and then the people who have hoarded reap the harvest and those who were patriotic enough to sell out are punished. They do not get their price. This happened last year too in the case of wheat. You insisted on Rs. 5 being maintained. Those who sold out were the sufferers. What confidence can any one have in you? Is there any reason why a farmer should ever place his trust in your promise that you will continue to do the same thing which you had promised to do? I asked a pointed question today as to what will be Government's policy with respect to the prices of foodgrains in future and the Honourable the Food Secretary told me that I shall get my answer during the course of the discussion. I am sorry I did not catch if he did make any reference to this question of mine. I

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had asked in question No. 134 a categorical question whether price restriction will be adopted for wheat and rice in the current financial year? Government has conveniently remained silent, with the result that people will draw their own inference and the inference will be that it pays to hoard. And you are going to reward those persons who have hoarded as usual, because the national characteristic of Englishmen is that they know only to muddle through? This is the racial characteristic and habit. You cannot change it. In that case you will not be justified in blaming anybody. You have never punished those who have hoarded and you have no intention of doing so. Let me be frank. You are too frightened to take real steps. You have taken steps in one respect, in the matter of textiles, and you have earned a rich dividend from it. Prices have wonderfully come down. That large stocks were being exported to outside countries and that the Government of India is taking everything for the army have been falsified. There is so much stock that it cannot be sold before the 31st October. Similarly if you have real determination to tackle the question of food, you could do so. But you should do many things. First of all you have to declare everybody to declare stocks over a certain limit. You must examine the figures. You will have to impose penalties, that undeclared stocks will be confiscated, etc. You must then have a machinery to examine these things and no more illegal gratifications. Government has legalised illegal gratification.

THE HONOURABLE THE CHAIRMAN (The Honourable Mr. V. V. Kalikar) : The Honourable Member should conclude his speech now. He has already exceeded his time-limit.

THE HONOURABLE MR. HOSSAIN IMAM : At the moment there is a general complaint that if you are prosecuted for any of these offences, contravention of rules or for hoarding, you have simply to pay something to the War Fund and you get off scot-free. The way in which Government connive at this sort of illegal gratification and their local officials do this thing is scandalous. It is corruption.

Sir, the Government has never cared to ask what public opinion is and even now its position is such that it need not heed public opinion. We are unfortunately placed in a position of subjugation. We cannot do anything. The difficulties have been brought about by Government's inaction and their failure to take public opinion with them. When we discussed the food question last session Government gave us to understand that they were going to form a Food Committee. The session is about to end. No Food Committee has been formed. This is one instance of Government failure to carry out its words. I therefore feel that the Government has not given any indication of the line of action for the country to judge whether it will be a failure or a success.

THE HONOURABLE KUMAR NRIPENDRA NARAYAN SINHA (West Bengal : Non-Muhammadan) : Sir, I think the Motion before the House relates to a subject which is of vital interest to this country for, on a proper solution of it depends the lives of millions of people. Coming as I do from Bengal, the few remarks which I will make relate to my province, where the food situation is truly appalling. The shortage of food and the mishandling of the situation have brought about a state of things which calls for immediate and effective remedy. With the occupation of Burma by Japan, the import of Burma rice has stopped, and floods have done serious damages to *aus* crops.

The export of rice from India, which has gone unchecked in spite of protest, has contributed its own quota to the distress of the people ; while the immense storage of food for the military on the Eastern zone at soaring prices, has also brought about a serious deficiency in stock, which could have been made available to the civil population. In some parts of the country where rice exists in surplus and can be had at a much cheaper rate than in Bengal, it cannot be moved to the deficient areas such as Bengal owing to railway transport difficulty, and the railway administration does not give priority to such vital commodity which is needed for the preservation of human life. This denotes a degree of callousness, which is truly inexcusable. While the Government with their red-tape tradition, are leisurely examining the question of food as they have given replies in this House and elsewhere, people in Bengal are dying of starvation. While the grass grows, the steed starves. Desperate situations call for desperate remedies. The slow movement of Government machinery is ill-adapted to cope with the present emergency. People are dying of starvation on the streets of Calcutta ; and this is borne out by no less an authority than the *Statesman*, which in its issue of 8th August stated as follows in its leading article :—

" For some weeks emaciated human beings, migrant from foodless areas in the mofussil, have been dying in the streets of Bengal's capital reputedly the Empire's ' second city ' ."
Who is responsible for this neglect of duty, and lack of imagination to grasp the realities of the situation, and to find an appropriate remedy. Here again, let the leading article in the *Statesman* of the same issue speak :—

" Surrounded by wheat and fat Punjabis remote from the war zone, the Government of India apparently little heeds Bengal's lamentable state. "
The paper also blames the Government of India's " lack of vision and consistency in this supreme and vital matter ". Sir, it is for the Government to find out the remedy ; for they have assumed the responsibility for the safety of the country, and the preservation of the people. But I may suggest that the entire stock of rice may be purchased by the Government and sold to the people at a reasonable price as the present price of coarse rice is between Rs. 30 to Rs. 38 per maund which is clearly beyond the capacity of the average people to buy. The price level is rising high every day ; and I am afraid a time may soon come when rice will be entirely unavailable except to the fortunate few at the top. The purchase of the whole stock by the Government and its distribution to the entire population of the province by a system of control and rationing coupons, readily available at easy distances from the villagers' homes, is undoubtedly a gigantic task and not altogether free from abuse.

If so, it is for the Government to devise a simpler and a more expeditious remedy. If there is surplus in the hands of the military, it should be made available to the civil population. Wheat may also be indented from such areas where there may be a surplus such as the Punjab. Government may also explore the possibility of taking uncultivated lands in the provinces and grow crops on them. The people are too poor and helpless to purchase bullocks for purposes of cultivation, agricultural implements have also become scarce, and their prices have gone abnormally high and manure is also not available. Millions of people in Bengal are suffering and starving; and it is the urgent duty of the Government to immediately declare famine in Bengal and apply the normal procedure of a famine-affected area. Hoarding and profiteering, if they exist at all, must be ruthlessly suppressed and traders and middlemen must not be allowed to make their unholy pile, and fatten upon the sufferings of the people. The Provincial Government must not give monopoly to a few favoured firms; and the entire situation must be lifted above the stinking atmosphere of party politics and dealt with as a national crisis. The home front, specially in Bengal, which is in close proximity to the war zone, must be built up and strengthened, the morale of these people which is fast sinking due to intense suffering must be toned up, and not allowed to collapse, and Government must not shirk their solemn responsibility at this supreme hour of national crisis. The moving finger writes and having writ moves on, leaving the verdict to be recorded in the avenging pages of history.

*THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY (East Bengal : Non-Muhammadan) : Sir, coming from East and North Bengal which had hitherto been mainly a jute-producing tract I think it my duty to place before the House the condition of things that is prevailing there. People had been asked to restrict the cultivation of jute from time to time but the necessities of war had raised the price of jute and rendered a change of that policy, so people could not properly restrict the cultivation of jute. Moreover, there was the question of a substitute for it. Some advocated sugar-cane, while others thought of other crops. There was failure of rains in North Bengal last year and cyclone and flood in Bakergunj rendering a failure of crops in the most fertile tracts. This year it has been followed by excessive rains which have destroyed the crops. Major-General the Honourable E. Wood speaks of satisfactory outcrops. I don't know how far he is correct so far as East and North Bengal are concerned. People there are starving and living upon vegetable roots and are dying of cholera and other diseases. Other parts of Bengal have also been affected by cyclone and floods as, for example, Midnapore last year, and Burdwan this year, to aggravate the situation. Major-General Wood speaks of contributing a large portion of the Government of India stocks to Bengal, but there is a condition attached to it of its first of all supplying military needs which are likely to be very great this year and one does not know if there will be any surplus left for distribution, specially considering the absence of excessive military purchases and the fact that a military officer is in charge. The Central Government has up to now failed to supply its promised quota to us in Bengal. Our thanks are no doubt now due to Government for having stopped exports from India but even here one does not know whether there will be any export or not for military and reciprocal purposes as was the case for Ceylon rubber. The Government had hitherto been shirking its responsibilities for the supply of food to the people by raising the false cry of hoarding. Although that may be true so far as some traders were concerned, the bogey has been thoroughly exposed by the recent food drives made in the towns and the countryside which have forced the people to sell away even whatever food they had taken care to provide themselves with in the absence of any assurances from the Government for their proper food supply. Now that the myth has been thoroughly exposed it behoves the Government to undertake their responsibility to the people by declaring famine in the affected areas and applying the Famine Code there. Major-General Wood has clearly described the weak position of the Central Government and the vacillating policy it had to adopt with regard to the jealous provinces, more so in the case of section 93 provinces directly under Government control. The Central Government has issued many Ordinances encroaching upon the powers and functions of the Provincial Governments. It should, instead of shirking responsibility and changing policy and personnel from time to time and

[Mr. Kumarsan'kar Ray Chaudhury.]

throwing blame upon it, take into its own hands the question of the country's food supply just as it has done about the military supply and take power to control the purchase and supply of food crops not only in the country but ask for and arrange supplies from outside as it has so long been supplying goods to outside countries. Instead of allowing competitive purchases by different agencies and allowing them to make as much profit as possible, which has been the cause of raising the prices and instead of looking for too much excess profits tax, the Government should see that the cultivators get a decent price and that the consumers, both urban and rural get their food also at a decent price. The Provincial Governments and public support should be enlisted for the proper management of the transactions as had once been thought of through licensed traders instead of merely establishing free trade principle as had lately been adopted. The question of transport of food from one part of the country to another should also receive careful consideration. In spite of the earnest effort on the part of Government, there has been undeniable failure on its part to supply proper transport for food supply and this has been due to their wreckless depletion of wagon and railway materials from India to other countries and we should ask for their return to us, now that the war front is being transferred to India.

THE HONOURABLE MR. R. H. PARKER (Bombay Chamber of Commerce) : Sir, I have one or two brief comments to make. I do not want to repeat anything that has been said by other members of the House. As a member of the European Group I very much welcome the decision of the Government of India to make one portfolio of this Department, for one Member of the Viceroy's Council. That was a thing that we always supported and we suggested in the very early stages of the discussions on food control. I think one of the most serious omissions—and it is largely I think a question of the Provincial Governments and their magistrates—has been the question of the lack of severity in dealing with the people who have done improper things in connection with food hoarding, charging higher prices than controlled prices and so on. I think it is a most important thing that in every possible case the maximum penalty should be exacted.

THE HONOURABLE MR. HOSSAIN IMAM : No compromise.

THE HONOURABLE MR. R. H. PARKER : I agree.

The Honourable Mr. Dalal suggested that the question of shipping space was not such an acute one and I think he also said that as it was a matter of life and death the space should be utilised for taking grains to this country. Well, with that I of course fundamentally agree. But I think you have also to bear in mind that shipping space, which is wanted now to carry food, is also wanted in connection with the saving of lives from death among the forces. The fact remains that our troops overseas must be backed up ; and it may be even more important that they should be backed up than that food should be brought here.

The Honourable Member also suggested that payment might be made in gold or silver. I cannot help feeling that the implication underlying that suggestion would be that the currency was not sound. It would encourage that feeling, which I think should be avoided.

THE HONOURABLE MR. M. N. DALAL : It has nothing to do with currency at all. Gold and silver makes a spontaneous appeal to poor agriculturists that is a suggestion which has also been made by Sir Tracy Gavin Jones, the President of the Chamber of Commerce, Cawnpore.

THE HONOURABLE MR. R. H. PARKER : I can only say that I am afraid I disagree with Sir Tracy Gavin Jones.

The Honourable Sir David Devadoss seemed to say that there is very little hoarding. I must say that my impression is that there is a large amount of hoarding but that a large proportion of it is what I would call unintentional. I will tell you two cases where I have been a hoarder myself, as an employer. When I found that my employees could not get grain, I went out and bought grain in larger quantities than I or they had done before. I had never bought such large quantities before in normal times. Why did I do that now ? Not so much because I was frightened about the future, but because I wanted to start my own organisation of grain shops to supply my employees with food. I naturally had to stock the required foodgrains in fairly large quantities in order to make sure of supplies for a reasonable period of time. Not only did I do that for a few thousand people whom I happened to be

employing as manager of a company, but I also did it for my own personal staff. I started a little grain shop in my compound which was run by one of my servants. There also I had to keep a stock of grain. That is all very harmless, in general terms. But the fact remains that it gives the impression that large stocks are being bought and taken away. People think they are being consumed. They are not. They are there for use. And to that extent our position is probably not as bad as it seems.

There was a reference by two Honourable Members to subsidies. I have always held the view that the line adopted in England is really a sounder line than that which we have adopted here, and I would strongly recommend Provincial Governments to consider whether, when they have to purchase grain for their own provincial requirements, for the requirements of those who live in their territories, even though they may have to pay a high price, whether they ought not to sell at a fair and reasonable price to the consumers in their province.

The Honourable Sir A. P. Patro wanted to have rural rationing rather than urban rationing. I think that is purely a question of practical politics.—

THE HONOURABLE SIR A. P. PATRO: I never said that there should be rural rationing. What I said was that the rural problem was different from the urban, and I also said that you employers bought food at high prices to the detriment of the rural people.

THE HONOURABLE MR. R. H. PARKER: I thought that the Honourable Member was advocating the adoption of rural rationing. I am wrong. I am sorry I misunderstood him. I do not know what his solution of the problem is in that case.

Then he rather jeered at the Grow More Food campaign. That is all very well. You may jeer at it, but the fact remains that there are a tremendous lot of modern methods which the Honourable Member as a zamindar and all zamindars should try and persuade their ryots to adopt. The zamindars—

THE HONOURABLE SIR A. P. PATRO: Where are the zamindars? They have all disappeared!

THE HONOURABLE MR. R. H. PARKER: Well, I can still see the Honourable Member!

The Honourable Mr. Hossain Imam referred to the unemployed Members of the Viceroy's Council. Now, if there is one thing more valuable than any other in life, it is a large number of people who are unemployed, who have brains, and who are thinking: they are the thinking department of the world.

That is all I have to say.

*THE HONOURABLE MAULVI ALI ASGAR KHAN (Assam: Muhammadan): Sir, today we have met here to discuss the food problem, which is very important in India at the moment.

The price of foodstuffs is daily increasing, and has reached such a high pitch now that it is beyond the means of the masses to buy the necessities of life such as their staple food. In the Eastern Provinces rice is the principal food. The price of this commodity has gone up from Rs. 4 to Rs. 40 a maund now. How is it possible for the poor classes to buy rice at this high price? Moreover, it has become scarce now. Bengal, Assam, Bihar, Orissa and Madras are the provinces where rice is chiefly consumed. The other parts of India where wheat is consumed there is a sufficiency of this commodity, and it is also imported from Australia.

In normal times Burma used to supply vast quantities of rice to the rice-consuming provinces to feed especially the people in the industrial areas such as mills and tea estates. But now Burma having been occupied by the enemy, these provinces are obliged to depend on their own resources.

With the war activities in India, the Military Department had stored up a vast quantity of rice for the army. Profiteers, finding that there was an extraordinary demand for rice, began to stock it for profit. Industrial magnates had stored up the same to provide for the labour employed by them. Thus the price of rice went up very high, especially in Bengal where this commodity is in deficit at all times. In addition to this, they had to supply to the India Government. In spite of the shortage in India, she had to export.

In order to lower the prices, Government introduced the control system. But this could not meet with the desired result, as the transport facilities for the supply were not available. So the net result was nil. Having had this experience, Govern-

[Maulvi Ali Asgar Khan.]

ment introduced free trade in the Eastern Provinces of Bengal, Bihar, Orissa and Assam. When rice began to pour into the deficit province of Bengal, the price jumped up from Rs. 13 to Rs. 32 in Assam, from Rs. 8 to Rs. 28 in Orissa, and so on, while there was no appreciable change in the price of rice in Bengal. As Major-General the Honourable E. Wood pointed out, free trade also did not result in any improvement of the food situation. The Honourable Sir Aziz-ul Huque in the other House pathetically mentioned that the provinces did not come forward to co-operate in the scheme of the India Government. But we regret that without the Defence of India Rules there will be no co-operation from the provinces. The Provinces of Madras, Orissa, Bihar and Assam began to complain that by the introduction of free trade they had become great sufferers, since prices had shot up like anything. If, instead of introducing free trade, these provinces were asked to supply a certain quantity of rice from their surplus, they could do so at a cheaper rate and keep low the price of rice in their provinces. But, owing to free trade, when there was big demand from all quarters, price went up to the great disadvantage of the people of the provinces. Now I understand that Government has again introduced the control of foodstuffs.

What does all this mean? It shows clearly that Government has failed to solve this problem and as a result of this, people in the Eastern Provinces are the greatest sufferers. With the limited supply of rice and the exorbitant price, poor mass people are unable to buy the rice and the net result is that people are dying of starvation.

My Honourable friend Mr. Dalal said that in some provinces people are living on leaves, tamarind seeds and other things.

THE HONOURABLE MR. M. N. DALAL: That is a statement made by the Vice-President of the Chamber of Commerce, Calcutta. I am only quoting the authority.

THE HONOURABLE MAULVI ALI ASGAR KHAN: That is a fact. On the Assam Bengal Railway, in big junction stations, there are four to five deaths daily to be seen by travelling passengers, of which I am one, due to starvation.

Thus the Government has totally failed to give relief to the poor and if things proceed like this, law and order will disappear from the country. People cannot see their children die of starvation naturally. They will have resort to anything and there is sure to be lawlessness in the country.

Is it not the duty of a civilised Government to come forward to relieve the public when such a critical stage of affairs is prevailing in the country? But what steps have the Government taken up to date? In certain places Government are supplying rice at control price. But such a supply is not reaching more than 10 per cent. of the absolutely needy persons.

If we study we find that, firstly, Government introduced the control system to lower down the price. But this did not improve the situation as they could not supply the stock in the particular place where it was mostly needed. Secondly, free trade was tried with the result that rices went up to Rs. 35 from Rs. 17-8-0 and Rs. 8 where there was restriction previously.

Conferences on foodgrains and propaganda on "Grow More Food" by lectures and placards and posters will be of no avail to the masses who are suffering. The Government should face the facts as they are and should devise means immediately so as to give immediate relief to the needy.

England and other countries which have been affected by the war directly are not so badly off as India and they are not dying of starvation as Indians are dying in India.

It is the war condition which has created the present situation. Otherwise there would not have been such high demand for rice and other foodstuffs. How are the Government going to meet this immediate need of the masses? I shall feel gratified if the Government will open their cards on the table so that the public may be acquainted with the future programme. Government are spending by lakhs for the Grow More Food campaign. But with what result? Have they anything concrete to show?

The Government of India should take the statistics of cultivable land available in the different provinces and if these lands are given in settlement, this deficit of food might to a great extent be made up. Coming as I do from the Province of

Assam, I could tell you that there are vast cultivable lands lying fallow but they are not given in settlement, on the sentimental ground that if these lands are settled with Bengalis or people from other provinces or even people from some other districts, or people from the Surma Valley, the aboriginal *ahum* people will have no land left for expansion in future.

But census figures show that instead of increasing they are decreasing and in the last census they have fallen down 9 per cent. If, however, the Government of Assam wants to give them concession they can keep a sufficient area of land especially to be settled with *ahum* people in future and the rest may be settled with other people wanting settlement.

It is common law that an Indian has no restriction to acquire property or settle in land in any province. But what is the condition in Assam?

A certain Executive Officer while Deputy Commissioner there (Mr. Mulla) passed an order making an imaginary line that lands will not be given to other than *ahum* beyond that line. Though 8 million acres of cultivable land are lying fallow there, people from the district of Mymensingh and Sylhet went up there and cultivated land, but they were driven away. Even now there are at least five lakhs of immigrants actually lying there wanting settlement but they are not given settlement and wherever they are given land, their successors do not get the ordinary right of inheriting the same according to the law by which they are guided. Why are these iniquities allowed?

When there is scarcity of food in the country it may, to a great extent, be mitigated if lands are settled with Bengalis and people from other provinces and also from the Surma Valley who are always wanting settlement. Though there is no statutory bar for settlement, yet the executive order is considered as an act of legislation. This is an example of the specimen of the pegging Act within the Province of Assam. People have been fighting against this unlawful law but the Government help the executive officers in keeping it intact, thus barring the people from their legitimate right.

Now, on the score of food scarcity if the Government of India pass orders that lands may be settled with the intending settlers then the present deficiency of rice in that part of the zone as well as in other provinces will surely make up and this iniquitous law and the long-standing grievance will be removed and the campaign of Grow More Food in the Province of Assam will meet with success. Similar avenues in other provinces may be tackled with good result. This food problem cannot be solved unless the Government become the biggest stockist and thereby control the market. Even now Government is giving millions of rupees as loss on food commodities because they have to supply at control price. Instead of giving this loss, if Government have depots in all provinces and centres and purchase the commodities when the crop comes out at an advantageous price and supply the army stores and industrial magnates, railways, and other people, Government could control the price of foodstuffs.

As an example I could cite here the example of a certain Deputy Commissioner of my district Sylhet who finding the demand for rice by military, planters and others began to purchase rice at a cheaper rate and stored it up. He could thereby supply the district staff at a cheaper rate; he could even help the neighbouring district of Cachar and even Bengal by giving a few thousand maunds at a much lower rate than that prevailing. Whenever he found that in a particular centre the price has gone up, he would flood the market with his stock thus lowering the price in that area. Thus even when free trade was introduced in the Eastern Zone he could keep down the price up to Rs. 24—25 per maund while in the other districts the prevailing rate was Rs. 32 to Rs. 35 per maund. Thus if on the harvest of new crop Government buy up the crop at a reasonable rate and fix a price for the same and start supplying to the different organisations, I am confident the price will inevitably come down and the stock will be available to all people if facilities for transport are arranged by the Government. Unless Government tackle the situation on the above lines, it would not be possible to cope with the menace, shortage and dearness, now facing the Eastern Provinces. We find other countries have increased the stock of their foodgrains to a great extent. But our Government have done very little in the past to improve and increase our foodgrains. As a matter of fact, Government may have spent money on the researches, how to improve the foodgrains, and they have spent

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very little on actual increase of the same. All money available for agricultural improvement was spent for the pay of the staff and research activities. But actually money was not available for land improvement and other expenses in this connection. Government should settle all the available land to the people to increase the output of foodstuff and to control the price of the same. Government should themselves open up storing centres and buy the same for supplying to all intending purchasers at a fixed low price, so that it may be within the reach of everybody's pocket. In conclusion, Sir, I would submit that Government should increase the settlement of all cultivable land as I mentioned in my Province of Assam and in other provinces, so that commodities supply may increase and scarcity vanish. They should help the cultivators by giving money and supplying fertilisers so as to improve the outturn of the crop and also Government should be particularly careful in the matter of exports of foodstuffs to other countries, and should have import of foodgrains from other countries. I hope the Government will not turn a deaf ear to what Honourable Members say in the House, but will utilise same to improve matters.

With these words, Sir, I conclude my speech.

THE HONOURABLE MR. N. K. DAS (Orissa : Non-Muhammadan) : Sir, I happen to come from a province which is alleged to be a surplus province and which is a neighbouring province to Bengal, and still not much of foodgrains have flown from my province to Bengal. There has been some adverse criticism against my province. But I shall presently show that my province is not a surplus province. It is true that there may be Government records which were computed 20 years back in one propitious year and which perhaps has never been revised in the light of what is obtaining today. I shall also show that as my province happens to be in a deltaic area it is subjected almost annually to devastating floods and my province is practically denuded by about 10 per cent. of its crop every year. The last tornado which swept over Midnapore also was over Northern Balasore, a district in my province and a large quantity of crops was damaged. In that part of the Balasore district on the borders of Midnapore not only are there famine conditions but even deaths due to starvation. To add to all these troubles, a cyclone of severe intensity passed over the coastal area in Orissa in November last—the wind sweeping over 40 miles inland and crop that was ripening in November, to be reaped in December, was almost completely destroyed in that coastal tract of Orissa. So, therefore, Sir, taking all these facts into consideration—the geographical position, the annual devastation and then the two unusual factors of cyclone in successive stages in November and in October—you can take it that taking an average for the last five years, it cannot be said that my province is a surplus one, and, if I have to concede that it is, as Government records show it, really a surplus one I can go so far and say that it may be just on the very margin of being a surplus province.

As I have said, Sir, crop statements, I am afraid, are export figures and are rather unreliable. I have already said that they may have been computed some 10 or 15 years back on a very propitious year and have never been corrected since, with the result that Orissa is being shown now today as a surplus province, which has quite a large surplus of about 10 or 20 lakhs of maunds of rice. Unfortunately, Sir, these figures also take into account quite a large trade of this commodity that flows into Orissa from the neighbouring States. There are quite a large number of feudatory States round about Orissa and quite a substantial trade in this commodity flows from these States through Orissa. Some portion of the commodity is exported, while some is consumed in Orissa itself. So, Sir, these trade figures which show that my province is a surplus one are mostly based on this trade that flows from the neighbouring States. What happened this year, Sir, was that these small States, which were certainly very panicky, as everybody else was because of an imminent invasion by Japan of the East Coast, kept back everything they could and did not allow any of this commodity to flow out in the regular and normal channel of business, and the result was that my province was deprived to that extent of quite a large amount of its rice and paddy and of course pulses, too.

Then, again, Sir, in spite of all these facts and in spite of the fact that the Government of Orissa had some knowledge, or at least had some signs of this case happening, the Government of Orissa did agree to spare to the Government of India pool, at their request, about 3 lakhs of maunds of rice, and we did actually give to the Government

of India pool about 3 lakhs of maunds of rice. This was somewhere in May this year and as this was given on practically I am told, a distinct understanding that since crop prospects were not quite very bright in Orissa this year and since they had already had devastations from cyclone and other causes during the last year the Government of India will not insist upon the Government of Orissa to make further contributions on this account and that the Government of India will leave the Government of Orissa to manage things by itself. But contrary to this understanding—if this was an understanding at all—the Government of India declared the Eastern Zone as a free trade zone on the 18th of June, 1943, and as a result of that people from Midnapore and people from Bengal used to come or started coming in large numbers. They used to board running trains and they used to carry with them small baskets and they dropped in at the nearest places possible and used to buy whatever they could of rice or paddy or whatever was available to them in the countryside in Orissa. The number of such people, Sir, was not very small. On a modest estimate it might be said that at least 5,000 people used to do this sort of travelling and purchasing rice and paddy in Orissa every day. This went on for about a month or so and then the Orissa Government in order to save their own people—I mean in order to save their own skin, perhaps they had no alternative—decided to resort to a plan of attaching all that was available in the country. They did so, and I must say that it was a very bold step taken. If that step had not been taken, Sir, I am sure to day worse conditions would have prevailed in my province than those prevailing today in Bengal.

THE HONOURABLE THE CHAIRMAN (The Honourable Mr. V. V. Kalikar) : How long will the Honourable Member continue ?

THE HONOURABLE MR. N. K. DAS : For another ten minutes, Sir.

THE HONOURABLE THE CHAIRMAN (The Honourable Mr. V. V. Kalikar) : The House will now adjourn till 11 A.M. tomorrow. The Honourable Member will resume his speech tomorrow.

The Council then adjourned till Eleven of the Clock on Friday, the 13th August, 1943.

COUNCIL OF STATE.

Friday, 13th August, 1943.

The Council met in the Council Chamber of the Council House at Eleven of the Clock, the Honourable the President in the Chair.

MOTION *RE* FOOD SITUATION—*contd.*

THE HONOURABLE THE PRESIDENT : The debate on the food situation will now be resumed.

THE HONOURABLE MR. N. K. DAS (Orissa : Non-Muhammadian) : Sir, I tried to show yesterday afternoon, that my province is not a surplus one, and that, because of natural calamities last year, our food supply was very short indeed. I also said that, in spite of this fact, the Government of Orissa, having been deluded by the idea of an imagined surplus, was prevailed upon by the Government of India to spare three lakhs of maunds of foodstuffs for the Government of India's pool. And, Sir, it was at this juncture that the Government of India initiated the free trade policy on the eastern coast of my Province, and in other provinces also on the East Coast. As a result of that, people from the neighbouring provinces, especially from Bengal, invaded the outlying parts of Orissa in large numbers and purchased whatever they could. Again, as a result of that, large quantities of foodgrains began to flow out of Orissa, because of the high prices then obtaining in Bengal. In spite of all measures taken by the Government of Orissa that flow continued. The net result has been that there are already visible signs of scarcity in my province, and although measures of price control have been initiated in urban areas, still scarcity of foodgrains in the country-side is rather acute.

The net result of all that has been done to relieve the food situation is this, that Bengal has not been relieved to any appreciable extent. Today the food situation remains as distressing as it was some time back, and, if reports appearing in the papers are correct, people are dying of starvation in the streets of Calcutta.

Then, Sir, the bogey of hoarding, to my mind, is not very correct. As a matter of fact, if there was actual scarcity in Bengal, how could people be expected to be hoarding ? The situation in Bengal to my mind, is due to many causes. Natural calamities are certainly one of them. It is also due to the large amounts of foodstuffs sent out to Ceylon and utilised for military purposes. Military purchases had been on a very large scale. In spite of this the Government of India have not yet been able to formulate any plans to relieve this distressed area, and the distress is growing more acute indeed from day to day. To a supplementary question asked by me, Major-General the Honourable E. Wood replied that the Government agents from Bengal had been purchasing rice at a very low price in the Orissa States and had been selling the stuff in Bengal at a very high price. I do not see why the Government of Bengal should take advantage of the distress of the people and try and make large profits. I believe the Grow More Food campaign could have done a great deal to relieve this distress although it came at a very late stage last year. Even if it was late, if the policy followed was of a bold character, and if large areas of fallow land and land available had been put under intensive cultivation, I am sure it would have gone a great way in relieving the acute distress in many parts of the country. My Honourable friend Maulvi Ali Asghar Khan was telling me yesterday that 8 lakhs of acres were available in Assam and other parts of the country. Those acres were lying fallow, and the Grow More Food campaign could have directed its activities towards bringing them under cultivation. In my province the Grow More Food campaign exists in the shape of *takavi* loans being granted to certain cultivators. That is no encouragement ; that is never calculated to encourage people to bring waste lands and fallow lands under cultivation. I think the policy regarding the Grow More Food campaign should be pursued in right earnest, and a bolder policy in this respect should be taken up. I am sure that if it is taken up seriously a great part of the present distress in respect of shortage of food crops will be relieved.

THE HONOURABLE SIR RAMUNNI MENON (Nominated Non-official) : Sir, the speeches of the Honourable the Food Member in another place and of the Honourable the Food Secretary in this Council, containing as they do several statements based

[Sir Ramunni Menon.]

on objective realities, provide us with plenty of material for reflection. One of my first reactions to these speeches has been that after all, for the past blunders, the bungling, the tardy methods and the ineffective and vacillating policies of the Government or of the Governments, the Central Government is not solely to blame. In any case it will be useless for us at this stage to try to apportion blame between the various parties or to indulge in recrimination. Far more important for our purpose will be our application to the immediate task in hand, and to devise ways and means for its solution. What is the problem which confronts us today? Briefly stated, it is this. There is considerable shortage in foodstuffs in this country. In several places, this shortage has resulted in very acute distress to the poorer classes. How can we best solve this problem? I think most people will agree that whatever measures we may propose, effective control by the Governments, Central, Provincial and States, over the foodstuffs from the moment they leave the producers' hands, through all stages of their movement until they reach the consumer, is absolutely essential. Without some such control no policy can succeed in this vast country. It is all very well to talk of the ordinary channels of trade, of the ordinary merchants and firms and so on. But it has been amply proved by experience that if things are left to their own course and sweet will and ways of interested people no satisfactory solution will be forthcoming. I give an example. In a speech made the other day by the Dewan of Cochin he said that after giving free scope to the operation of the natural economic laws, after giving full room for the exercise of their knowledge and public spirit by the big merchants and trades people, he found the whole scheme ended in disaster, with the result that the State took complete control over all the foodstuffs from the harvest right on to the time when they reached the consumer's hand. The result has been that notwithstanding its very acute shortage in foodstuffs, Cochin has been saved a very grave calamity. I think that is an example which other Governments may well profit by. Our immediate problem being, as I have stated, it is worth while to consider what the proposals of the Government of India are for the solution of that problem. Complaints have been made by various speakers that the Government of India have not fully disclosed their plans. That may be true to some extent. But, as far as I have been able to gather from the speech of the Honourable the Food Secretary in this Council and from the published proceedings of the meetings of various bodies earlier, for example the meeting of the Food Council which took place some time in July last, it appears to me that the Government have decided on a definite plan of action the central feature of which is to introduce rationing in all the important urban areas. At least I take that to be the core of their policy and in confirmation of that view I may refer to a report which appeared in the papers a day or two ago and also to the remarks which fell from the Honourable the Food Secretary, that arrangements are in progress for the training of the men who are to be entrusted with the execution of this rationing scheme. I think I am justified in assuming, and it is sufficient for my purpose to assume, that the Government of India have decided upon a policy of rationing. This is a policy which many people had been advocating for a long time. There is nothing new in it and the pity of it is that the Government of India did not come to their decision somewhat earlier. Rationing has been in existence in all the countries at war. In this country it has been tried and found successful. In Cochin and I believe in Travancore it is in operation and in Bombay and Poona it has been tried with considerable success. It is usual to talk of the vast size of India and of the numerous autonomous Provinces and States. But if a rationing scheme can be put into successful operation in those areas which I have specified, there seems to be no valid reason for us to suppose that it will be impossible of achievement in other places. In any case, I am very glad that the Government have decided upon the scheme because it appears to me that some method of rationing is the only method by which we can meet out a highly desirable and urgently needed measure of social justice, by which we can level up the gross inequalities in the resources for obtaining food which now exist among the different sections of the people. It may be that people who are fortunately placed under the existing circumstances and who are able to command their foodstuffs and other needs though at a very high cost will not perhaps welcome rationing, because rationing must mean a slight reduction in their quota. But we must leave objections coming from such quarters aside. We must go

ahead, convinced of the justice of the plan that we have decided upon. Whether all Provincial Governments agree with us or not, while leaving nothing undone which will secure their full co-operation, we must go ahead irrespective of this Government or that.

I was very glad to listen to certain remarks which fell from the Honourable the Food Secretary particularly the remark which he made, namely, that action and not talk is what is required. That leads me to the expression of a hope that he will succeed in introducing rationing without any delay in Delhi, where no provincial question exists, where the whole area is under the Government of India's own control and where you can watch the progress of events very closely. I hope he will be able to do that. That will be not only an additional vindication of his own point of view but, if successful it will become a shining example to other provinces.

During the course of the debate several Honourable Members expressed a doubt as to the existence of hoarding. I have no personal knowledge of the matter, but in the face of statements made by men holding very responsible positions—Administrators, Dewans of States—according to some of whom hoarding is rampant in many places in India, I cannot but feel that members who doubt the existence of this practice are not in full possession of the facts. In any case, nothing but an attempt to root out this evil will reveal the actual existence and extent of the evil. Take those reports which appeared in the papers a few days ago. The food drive in Calcutta has apparently unearthed a number of hoards. If in such cases exemplary punishment is meted out to the offenders and due publicity is given to the proceedings, it will have a very salutary effect on other parts of the country.

Doubt was also expressed in the course of the debate as to the likelihood of success of the new "Grow More Food" campaign. The Honourable Member in charge of Agriculture has given us facts and figures and has assured us that nothing is being left undone in his Department to make this drive a success. I know that in other places also the campaign is receiving encouragement, for instance in Cochin to which I referred a little while ago, several lakhs have been spent on this Grow More Food campaign and several thousands of acres have been released for cultivation under that scheme. I have very little doubt that in the course of a year or two we shall see the fruits of that scheme and those who now doubt will, I hope, be convinced that their doubts were unfounded.

I should like in passing to make a reference to two areas which the Honourable the Food Secretary referred to in his speech only to say that they were excluded from the general statements that he made. I am referring to Travancore and Cochin. Those are two areas where the food problem is somewhat acute. I think they deserve well of the Central Government. Speaking of Cochin, I may say that it has rendered very valuable services to the whole country in its war effort. I believe it has contributed a force of more than 40,000 people for road-making in Assam; and in recruitment to the Defence services and in various other ways it has made very notable contributions. Its food problem is very acute. It has done its best to put its own house in order. It has established complete control over the food production, distribution and supply in the State. It has introduced rationing. I believe a similar state of things exists in Travancore also. And these two States are among the most distressed areas in the South. I hope the Government of India will do whatever they can to provide an adequate quota to meet their deficit and to secure that the quota provided is transported without delay to its final destination.

I do not think it will serve any useful purpose at this stage for me to dilate upon the difficulties which are likely to attend the introduction of rationing, the complexity of the problem and the numerous devices and expedients that will have to be introduced in solving it. But I think it is right to say that at whatever cost this method should be applied with vigour, consistency and resolution throughout the whole country. If that is done, I for one have very little doubt that the food problem, if not absolutely solved, will be brought within control.

With these remarks I welcome the speech of the Honourable the Food Secretary.

THE HONOURABLE RAI BAHADUR SATYENDRA KUMAR DAS (Nominated Non-official): Sir, after the illuminating speeches delivered by the previous speakers on the vital question of food which is now threatening our very existence, there remains less to be said on the subject. But as a member coming from Bengal—the

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province where this problem has assumed the most serious aspect and people in countless numbers are dying of starvation, I shall be failing in my duty if I do not put forth my humble suggestions as to the solution of this vital problem which may be easily called a national crisis of the first magnitude.

Sir, as I do come from Bengal, I shall confine my observations to the present plight of the people of that wretched province. I want to leave aside the controversy as to whose negligence or short sightedness Bengal is now facing starvation and death. It is no use to try to measure the degree of responsibility in this respect either of the Government of Bengal or the Government of India. The fact remains that a serious food crisis has occurred in Bengal. The fact remains that the price of rice, the only staple food of the province, has gone high four to five times that of the previous year. The fact remains that dead bodies are now found in almost all the towns of the province including Calcutta also. I have seen with my own eyes that awful sight near the dustbins where hundreds of hungry people make riot amongst themselves just to pick up a few particles of refuse and putrified foodstuff. But the situation in the rural areas is much more alarming. It beggars description. I personally know hundreds of cases where people including children could not secure any kind of foodstuff for days together. I know of cases in my own district where parents committed suicide being unable to bear the gradual collapse of their own children for want of food. I know of cases where hundreds of people of my own district have to drag their existence by living merely on jackfruit during the months of June and July last. This is, Sir, the present picture of our province.

But what are the reasons for which Bengal has been placed in such a serious plight as to her food problem. In my opinion, the following are the principal causes for the famine conditions which now exist in Bengal :—

1. *Denial policy.*—It is a known fact to you all that in pursuance of the denial policy followed by His Excellency the Governor of Bengal, contrary to the advice tendered to him by the Council of Ministers, lakhs and lakhs maunds of rice were removed from the coastal areas of the province. This policy had been followed for fear of an imminent Japanese aggression which has been proved to be a myth. As a result of this pernicious policy, the surplus districts of the coastal areas have been denuded of rice. Barisal, known as the granary of Bengal, has now been converted into a deficit district. This policy of depriving the people of their staple food for a bogey of foreign aggression should not have been followed at all.

2. *Export of rice.*—Although authoritative figures as to the quantity of rice so far exported are not available but the Government have admitted that export has taken place. To export a staple food out of a province without caring to ascertain the needs of the population is a policy which must stand condemned. We are still in the dark as to the reasons which actuated the Government to follow this policy. However, we have been assured by Major-General Wood, the Food Secretary, yesterday that export of rice from Bengal has been prohibited. We are thankful to him for this but this step should have been done long ago.

3. *Purchase and stocking for military requirements.*—A very large section of our people believe Sir, that too much emphasis has been given to maintain huge stocks for military purposes. I quite agree with the fact that due arrangements for food should be made for the military as it is an essential step for the successful prosecution of the war but at the same time we should not lose sight of the fact that military operations are bound to suffer very heavily if the civilian population is starved to death. If, therefore, it is possible to release a portion of the stock of foodstuff reserved for military requirements, this should be done without the least possible delay.

4. *Maldistribution of food.*—Sir, the Government of Bengal has practically bungled in respect of the distribution of food amongst the civil population. At one time, the Government has distributed rice amongst their employees at a much reduced rate without caring to give any relief to the population at large. This inequitable distribution of food has made the problem worse confounded. While a section of the people got their rice regularly and at a very cheap rate, the major part of the population were half-fed or starved.

Major-General Wood in his speech, delivered yesterday, has laid much emphasis and built high hopes on the prospects of the *aus* crop. I would have been glad if I could have shared his optimism with him. But, Sir, the situation with regard to the prospects of *aus* crop is quite pessimistic. *Aus* crop in Bengal does not grow all over the province and is not, therefore, a main crop. Moreover, this crop, as you know, Sir, has been completely washed away in many parts of Burdwan and Midnapore districts by high flood. It would be, therefore, unwise on the part of Major-General Wood to put much reliance on the ultimate outcome of this crop.

MAJOR-GENERAL THE HONOURABLE E. WOOD : On a point of explanation, Sir. The official and authoritative view of the *aus* crop in Bengal is that it is very good indeed. That is the opinion of the experts under Government.

THE HONOURABLE RAI BAHADUR SATYENDRA KUMAR DAS : I beg leave to differ from the views of the officials. There has been a flood subsequent to the receipt of the official report.

If the *aus* crop fails Bengal has to be fed for four months more before the harvesting of the next crop and coming of the *aman* crop into the market ; so Major-General Wood or the Bengal Government has to make arrangements for feeding the people. Moreover *aus* rice will be simply inadequate to satisfy the requirements even of a fraction of the province.

But where then lies the solution ? I have stated above, Sir, that instead of indulging in useless criticisms at this stage as to whose fault this grave situation has been brought about. There must be constructive suggestions which will lead to a practical solution of this problem. Towards that respect, my humble suggestions are as follows :—

1. Famine must be declared in Bengal without any more delay. The Government must take upon themselves the responsibility of feeding the civil population—a duty which is imperative on the part of any civilised Government in such an hour of grave national peril. No time is to be lost and the Government must apply the normal provisions for meeting famine conditions.

2. The Government must undertake complete control over all stocks, supplies and prices. Government have to arrange supplies from surplus provinces at any cost. The question of transport must not be allowed to stand in the way. Where the problem of feeding the millions of hungry souls has arisen, priority for transporting foodgrains must be given. If necessity is felt, I should suggest, Sir, that foodgrains must be transported even at the cost of temporary suspension of military transport. The Central Government must arrange to import wheat from Australia and rice from South America. They must arrange shipping space for these foodgrains. There should be no shilly-shallying over this question of import.

3. *Immediate introduction of scheme of rationing in urban areas.*—The scheme of rationing has been a success in England and in other countries of the world during war-time. In Bombay, Sir, it has been given a fair trial and has fairly succeeded. The Government of Bengal must be prevailed upon to introduce the said scheme of rationing in urban areas.

4. *Co-ordination between the Centre and Provinces.*—It has been argued from the Government side that in some respects of food problem, the Central Government are constitutionally powerless to enforce their decisions on the provinces. Sir, I am not a constitutional pandit. But I believe that the Central Government do possess sufficient powers under the Defence of India Rules to force the Provincial Governments to accept their decisions. Times are extraordinary and abnormal. The situation is extremely grave and threatening. Therefore, these constitutional issues must now be thrown aside and we must face this problem from the practical point of view. There must be complete and sincere co-operation between the Central and the Provincial Governments to tackle this problem. In such an hour of great crisis, official delays and red-tapeism must be avoided as far as possible. The decisions must be quick and swiftly put into action.

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5. *Grow More Food campaign.*—In the successful conduct of this movement, Sir, lies a partial solution of our acute food problem. If this movement is carried out with the utmost efficiency, more of the uncultivated lands might be brought under cultivation of foodgrains. This will naturally enrich the future stock position of the province. But before we can expect much success out of this scheme, the Government must enlist public sympathy on their side. I again repeat, Sir, that there are huge potentialities if this movement of “Grow More Food” campaign is conducted with popular sympathy and support.

Sir, I don't want to take any more time of this House. Before I conclude, I appeal to all sections of the House to forget their party politics and to be united in the solution of this vital food problem. There is yet time to save Bengal from starvation and ruins. There is yet time to take steps to prevent Bengal from being thrown in that awful plight in which she was once involved in 1770. The pitiful schemes of that memorable year must not be allowed to recur now. Quick and prompt steps, based on sound planning, must be taken to give food to millions of hungry people of that province.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (United Provinces Northern : Non-Muhammadan): Mr. President, the situation throughout the country in respect of food is serious. We are threatened with a calamity which we had never even dreamt of in the past but it has not come upon us all of a sudden. We have been aware for at least 18 months of the increasing gravity of the situation and the Government have nevertheless failed to take adequate steps to cope with the situation that had developed, and was bound to develop. The result of the vacillating policy of the Government of India has been that large tracts of the country are suffering either from malnutrition or starvation. In some parts of the country deaths are taking place owing to the lowered vitality of the people and the diseases that have broken out in consequence. For instance, in Malabar there is a cholera epidemic, which is believed by the people there to be due to the serious lack of food from which the population is suffering. At the present time Bengal, Orissa or at least some part of it, the Mulabar district, Cochin, Travancore and at least some districts in the Bombay Presidency are suffering acutely. The difficulties of Bengal have been placed before us by several speakers. The situation there is such as to call for immediate action. I am not, therefore, averse to giving Bengal such help as it is possible for the rest of India to give. Indeed, Bengal is suffering for no faults of its own. It is suffering because its own Government has failed to discharge its responsibilities towards the people of Bengal. And the Government of India, who are strong enough to keep Gandhi and his associates in prison, and to prevent anybody from having access to him, have not the strength to compel the Provincial Governments if need be to be mindful of their duties and of those responsibilities with which they have been entrusted under the Government of India Act, 1935.

Sir, my Honourable friend General Wood drew our attention yesterday to the condition of Bengal and to the promises of relief that have been made to it by the Central Government. He also told us of the actual assistance that had already been rendered to Bengal by the rest of India. Now, I should like to put a few questions to him on this point. He drew our attention yesterday to the fact that even when the Government of India had given the deficit provinces all the help that it could, it would be necessary for the provinces to conserve and properly utilise all their resources, because those resources, however deficient they might be, would be vastly in excess of any quantity of foodgrains that the Government of India might be able to place at their disposal. I should, therefore, like to know what action the Bengal Government is taking at the present time in order to utilise its resources properly. Has it taken any steps to introduce rationing anywhere? Has it on its own account built up reserves of foodgrains—rice and wheat in Bengal? If so, what is their total quantity, and why are those stocks not being utilised at the present time to relieve the unutterable misery of the people?

Further, Sir, I should like to know what was the quantity of rice bought for Bengal in Assam and Orissa, respectively. What is the total quantity that has been bought by the Bengal Government in Bengal, and what is the total quantity supplied by

the Government of India ? I should further like to know what has happened to all these stocks. Has all this quantity been utilised by a proper organisation for relieving the sufferings of the people ? Or have the supplies that have reached Bengal from outside gone underground and have been made use of only by those profiteers of whom General Wood spoke yesterday, for their private benefit ?

I wish that my Honourable friend General Wood had told us yesterday, in addition to what he said about Bengal, what had been done, say, for Malabar, for Cochin, for Travancore, by the Government of India. The sufferings of the people there are no less acute than those of the people of Bengal. Yet, so far as I know, the Government of India have made no clear announcement of their policy with regard to the satisfaction of the needs of the people in those areas.

»Sir, the purpose of all these questions that I have put to Government so far is to impress on them that steps must be taken to see that whatever assistance is given to the provinces by the Central Government is made use of in the best possible manner in order to put an end to or to mitigate the malnutrition and other difficulties from which the people are suffering.

My Honourable friend told us yesterday what was proposed to be done in regard to Bengal. But has the Government of India the guts to compel the Governor and his Ministry to take steps to the Government of India's satisfaction in order to ensure that the foodgrains that will flow into Bengal from outside in accordance with the Central plan will not be made use of by profiteers to their own advantage, to the serious detriment of the people committed to the charge of the Provincial Government ?

Another point in this connection that I should like to know is that even granting that other provinces are charging a high price for the rice and wheat to be sent to Bengal, what justification is there for the level of prices that prevails, for instance, in Calcutta ? Have the Government of India or the Government of Bengal looked into the matter ? I lay stress on that point because it is not enough to supply food to any province at the rate of half a pound or so per head of population, without taking steps to see that the food that would become statistically available was really within the reach of the masses, was really sold at a price at which poor people could buy it. If the price is too high for them, then whatever credit the Government of India may take for the supply of foodgrains to the deficit provinces, that supply will not reach those for whom it is meant and the sufferings of the people will not be abated one jot.

Now, Sir, I should like to make a few remarks with regard to the other provinces. I will not deal with the situation that prevails in the provinces because it was fully described by Sir Aziz-ul Huque in the Assembly the other day and was also clearly brought out by my Honourable friend General Wood yesterday. I must however, say Sir, that the Government of India are not as helpless as General Wood tried to make out yesterday. The powers that have been given under the Government of India Act, 1935 over provinces are meant, I suppose, to be utilised in certain contingencies. There is a war going on at the present time. When the war broke out, a Proclamation of Emergency was issued by the Viceroy. In view of that, directions can be issued to the Provincial Executives by the Government of India to comply with such directions as might be given to them. Apart from this, Sir, even before section 126A was passed, the Governor General had the power to instruct the Governors to see that the executive authority of the Federation—at the present time of the Government of India—in respect to any matter was not impeded or prejudiced in any way by the Provincial Executive. What are these powers meant for if the Government of India do not utilise them ? I do not suggest the utilisation of this power lightly. But both Sir Aziz-ul Huque and General Wood have told us that they are at the end of their resources and that the Provincial Governments, even when they have fully agreed in the Food Conference to the plans that were settled, have nevertheless failed to give adequate assistance in carrying them out. The Honourable Member has supplied me with certain figures which are of considerable importance. I think it was agreed that the Punjab should supply about 900,000 tons of wheat, but the quantity secured up to the present is only about 280,000 tons although those months in which the greatest quantity of foodgrains is sold, *i.e.*, the months immediately following the harvesting of the *rabi* crop, are over. I do not mean to say that more wheat cannot be purchased even now, but the disparity between the quantity which was to be

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supplied and the quantity which has been purchased though it may not have been moved out of the Punjab is great. It is only about one-third of what was promised. Take now the United Provinces, Sir. It promised to supply 100,000 tons of wheat but has not supplied a single ton as yet. I could multiply these examples. Any one who wants to have fuller information on the point can easily get it from my Honourable friend General Wood.

Sir, this being the state of things, it seems to us that the Government of India owe a duty to the people in this respect. They can no longer keep quiet and trot out the theory of provincial autonomy when people are dying. They must utilise the powers that have been given to them to save the lives of the people. When section 126A was passed, it was thought that it would be put into force against the Congress Ministries should they fail to carry out the instructions of the Government of India in regard to the war. But the provision which the Government of India would have merrily made use of against the Congress Ministries has been allowed to remain in abeyance so far as the present Governments are concerned, although many of them are section 93 Governments. No wonder, Sir, that the National Director of the War Front said the other day in the Assembly that the Governments which had set the worst example were the Governments of section 93 provinces. There is no provincial autonomy there and if the Central Government fail to discharge their responsibility in respect of these provinces as indeed in respect of the other provinces also, the fault will be theirs. Their failure to discharge responsibility they cannot easily shift to other shoulders.

I know that in regard to the utilisation of the powers that I have spoken of, the assistance of the Governor General is required. It is for the Governor General to look at the prevailing state of things and decide whether the time has come for him now to take action or not. But if he still fails to take action, I think it is the duty of the Members of the Executive Council to say respectfully to him, "We have tried all the means at our disposal but have failed. If you cannot give us any assistance, please take over the portfolio of Food yourself and do with it what you like. Bearing the responsibility for the destitution and misery that prevails in the country yourself instead of making the Government of India responsible for it".

Sir, my Honourable friend General Wood said yesterday that better leadership was needed than was in evidence. I think he said that with reference to the big landlords and zamindars. But I am almost certain that in his heart of hearts the remark was meant to have a wider application and to refer also to the vacillation the want of policy that has characterised the Government of India so far.

Sir, my Honourable friend trounced the big landlords and zamindars yesterday. He warned them that they had not realised their responsibility to their countrymen at this juncture. I have nothing to say against the remarks that fell from him. But when the Provincial Governments are allowed to follow a policy contrary to the general interests of the country, the Government of India seem to me to have lost the moral authority to bring the private trader to book. I understand, Sir, that there are provinces which are even at the present time building up reserves

of food. Apart from this, there is at least one province which is selling food grains, I mean rice and wheat, to the Central Government at a higher price than that at which it buys them. I understand that the Sind Government buy rice at Rs. 9 per maund but sell it at the rate of Rs. 14-8-0 per maund. They buy wheat at Rs. 7-11-0 per maund but sell it at Rs. 10 or so per maund. The apology that they offer for this state of things is that there is no reason why they should sell foodgrains cheaper to the Government of India than the Punjab is doing. Suppose, Sir, that a private trader had said to the Government of India, "I am holding up my stocks of grain so that I may be able to get the profit which the traders in other provinces are getting", would Government have shown any mercy to him? They would have set aside his ridiculous plea and immediately prosecuted him. The Provincial Governments are morally in no better position than the private traders and yet so far the Government of India have done nothing either to prevent profiteering on the part of the Provincial Governments or to compel them to use their resources for the benefit of the country as a whole, because the country in the last resort is one economic unit. Sir, India is still supposed to be a single unit but for all practical purposes this unity seems

'to be at an end so far as the food problem is concerned. Every province appears to be an independent unit, a sort of Pakistan. It looks as if no Central Government existed and the sufferings of the people would never come to an end.

Now, Sir, I have only two more points to make before I sit down. My Honourable friend General Wood spoke a great deal about the manner in which food supplied to the provinces should be utilised by them. But he never said a word with regard to the necessity for the import of foodgrains from outside. That was a question which was discussed in this House in February last. Mr. Holdsworth who was the then Secretary in the Food Department assured us that 100,000 tons of wheat had been obtained from Australia and that more would be obtained in February and March. He also hoped that it would be possible to persuade His Majesty's Government to supply shipping for importing wheat from Australia in the coming year also. It is strange that his successor, General Wood, was absolutely silent on that point. I should like him to tell us what efforts the Government of India have made so far to import wheat, say, from Australia and to what extent His Majesty's Government have agreed to help us? I do not want merely to know his hopes or the hopes of the Government of India. I want to know what is the exact position taken up by His Majesty's Government in this matter. Has their agreement been secured or not? And, secondly, Sir, I should like in this connection to put a question to my Honourable friend Sir Jogendra Singh who took part in the debate yesterday. He spoke of the increase in the acreage under rice and under wheat. The increase in the acreage under wheat was small; but I gather from the *Indian Trade Journal* of August 5, 1943, that the total area under wheat in 1942-43 was slightly less than the average of the preceding five years. It does not look from these figures that a single more acre has been brought under the plough for the cultivation of wheat. As regards production, that varies from year to year. But the forecast for the year 1942-43 is only about 700,000 tons more than the average for the preceding five years. As regards rice, the acreage has substantially increased. It has increased by about 11 lakhs according to the *Indian Trade Journal* of the 8th April, 1943. But the forecast of the total production in 1942-43 was less than the average of the preceding five years by about a million.

My Honourable friend Sir Jogendra Singh referred yesterday to the fact that owing to unfavourable conditions in Southern and Eastern India the supply of rice had deteriorated to the extent of 800,000 tons. But even if these 800,000 tons had been available, there would have been no increase in the quantity of rice available to the people before. The production would still have been less than the quinquennial average. If this is the result of the Grow More Food campaign so far as wheat and rice is concerned, I confess that I have not much faith in it. The public has been fed on words and statistics, but I think it is time it realised that these words and statistics mean nothing in practice.

Now, Sir, one word more before I sit down. My Honourable friend General Wood referred to a number of factors relating to the food situation yesterday. But he never referred to other vital factors bearing on the situation. For instance, inflation, the prices of the goods which the agriculturist needs, the transport difficulties and so on. His presentation was, therefore, one-sided. I do not propose to supply all these deficiencies now. We have referred to inflation and prices on many occasions in the past. I will not, therefore, go into details in dealing the subject, but I shall take leave of the House to say that unless the Government of India radically alter their policy in respect of the expansion of the currency the solution of the problem that has so far baffled us will be well-nigh impossible, whatever steps the other authorities may take. The increase in the addition to the note circulation has been rapid of late, I suppose because of the reduction in the volume of purchases for the Middle East. But when India becomes a real base for the campaign against Burma, I am sure that we shall again be flooded with the notes that the Government of India was issuing formerly. If this policy continues, the result will only be disaster throughout the country. We might come to a situation like that which prevailed in Europe after the Great War and in which hungry people despairing of getting food may rise in revolt against their masters, however powerful they may be.

Sir, there are some other things also which I must draw the attention of the Government of India to. One of them is that they must win the

[Pandit Hirday Nath Kunzru.]

confidence of the public. The late Mr. Holdsworth, speaking in this House in February last, said that the root cause of the 'present trouble was lack of confidence and the words that he spoke ought to be laid to heart by every official of the Government of India. Unless the Government of India take proper steps to gain the confidence of the public their troubles will not come to an end. Indeed, all that has happened during the last 18 months shows to my mind that without a National Government the troubles that we are suffering from throughout the country will not come to an end. There will not be complete co-operation between the people and the Central Government and the Provincial Governments and the Central Government unless the present system of government is altered, or at any rate much more power is made over to the real representatives of the people than has been the case up to the present time.

My last suggestion, Sir, is that the Central Government having tried all possible methods of securing the object in view of persuading the provinces to purchase for them the quantities of foodgrains agreed upon between them and the provinces, and failed on their own admission, it is their duty now to resort to another method. My suggestion is that there should be a central purchasing organisation at the head of which there should be a business man. Sir, this was the suggestion which it appears from the speech of Sir Aziz-ul-Huque that the Government of India themselves made at the second Food Conference. Mr. Holdsworth drew the attention of the Conference to the grave danger that might result from a division of responsibility between the Central and the Provincial Governments. He was afraid that if the Provincial Governments purchased foodgrains while the Central Government was responsible for their distribution conflicts might arise and the Government of India might be unable to fulfil their duties towards the people of the country. I think, Sir, that it is their duty now to revive this proposal and to insist on it with all the weight of their authority. If there are Governors or Ministers—in the last resort really Governors—who would not carry out the Governor General's orders no tenderness should be shown to them. They must be asked either to carry out the orders of the superior authority or to vacate their places. There is no time, Sir, now for hesitation or for showing undue consideration to the Provincial Governments particularly in those provinces which are governed under section 93.

Sir, if these steps are taken and if at the same time it is seen that purchases for the Army in deficit areas are made from outside and not in the deficit areas I trust that the present difficulties will be considerably relieved. The situation at present is harrowing. The tales that reach us from private sources from different parts of the country make us feel apprehensive lest the health and lives of the people be endangered on a very large scale. Let us realize, Sir, that unless the present grievances are remedied, whatever the power of the Government of India may be, we shall soon be faced with serious riots all over the country. Let Government wake up betimes, set aside legal technicalities and utilise the powers which were conferred on them in order to be used in times of emergency, so that they might stand before the people as the Supreme Government of the country and not as the servants of the Provincial Governments who have signally failed to discharge their responsibility in relation to the people of the country as a whole. (*Applause.*)

THE HONOURABLE SIR JWALA PRASAD SRIVASTAVA (Food Member) : Sir, we have met today to consider a problem which brooks no delay and it is not, therefore, my intention to dilate on past difficulties. I do not propose at present to enter into any details of what has been done, or even to make any statement—categorical or otherwise—about what is going to be done in the future. I am sure, Sir, that this House cannot expect a two day baby—that is what I am in the Food Department—to make tall promises for the future.

You have been accustomed, Sir, to see me in this August assembly as an A. R. P. Warden, whose task it was to ensure that the country stood prepared to meet any attack that the enemy made on our cities and fellow-countrymen. Thanks to the victories of the Allied arms, in which the sons of India have played no mean part, this danger has now receded, but a greater danger looms ahead of us—the danger that in the midst of victory we may suffer a defeat on our home front ; that in a country where 75 per cent. of the population are farmers, in a country of 7 lakhs of

villages and farms, we may not be able to make available to every man, woman and child the food which they require. This danger, Sir, must be fought as ruthlessly and as courageously as our soldiers have fought against the Germans, the Japanese and the Italians and as successfully I hope, and in this struggle I consider myself a humble recruit determined to march to victory with the help and co-operation of all who hold the country's welfare above everything else. I realise, Sir, only too well the grave responsibilities that I have taken upon myself from my predecessor, the Honourable Sir Aziz-ul-Huque, who, in spite of the heavy burdens resting on him has during the last three months or so striven without rest to tackle this extremely difficult problem of food. I know personally that ever since he took over this Department he and his whole staff have been working day and night to see that relief went to the deficit areas. I can assure the House that I shall follow the example so worthily set. As I have already said, I consider myself a baby in the Department. But believe me, Sir, when I say that this baby is determined to grow up, and that quickly, to man's stature.

I do not propose to give a detailed analysis of the food problem, as this has already been done by the Honourable General Wood. But I would like to put it in the perspective as it appears to me. The task before us is not only one of feeding 400 million of our countrymen, but also of providing supplies to do so from millions of small cultivators, and seeing that they pass to the public without profiteering. Our task is not only to bring the food supplies into the open market, but also to make them available in every part of the country which cannot support itself otherwise. In the face of the immensity of this problem, it is inevitable that mistakes should have been made. To have committed none would, to my mind, have been a miracle. And we are living, Sir, not in an age of miracles, but at a time when the mind and the muscle of man is striving against obstacles and difficulties of every kind to attain peace and prosperity.

Sir, whatever was possible in the time available and in the circumstances has been done. The Government of India have been striving in right earnest, in the face of difficulties both inherent in the problem and man-made, to see that food is made available to every one in the country, whether by making the hoarders disgorge, by encouraging the growth of more food, or by imports. My colleague Sir Jogendra Singh yields to none in his determination to increase the outturn of food; and, indeed, his efforts have already met with considerable success. I will try and yoke myself to Sir Jogendra Singh's plough and establish a liaison between his Department and mine—

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Without producing anything !

THE HONOURABLE SIR JWALA PRASAD SRIVASTAVA : As I said before mistakes have been made—

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : They still continue to be made — and deliberately continue to be made.—

THE HONOURABLE SIR JWALA PRASAD SRIVASTAVA—but the Government have learnt many valuable lessons from these mistakes. It has been so even in better organised countries like England, where preparations to tackle the food problem were started as early as in 1936. I can assure you, Sir, that the lessons thus learnt will be made full use of and will not be forgotten. I ask you : Is there any one who could grapple with this problem, a problem of this immensity, without making these mistakes ?

I will not attempt to deal with the points raised in the debate. I have listened to the debate with the attention and the respect which it deserves; and, speaking for myself, I do not wish to conceal that I have greatly benefited from what has fallen from the Honourable Member here. Their suggestions will receive my most earnest consideration. I may refer here only to two or three of the more important suggestions. My Honourable friend Rai Bahadur Lala Ram Saran Das proposed that we should have a policy committee to advise the Department on all major matters. I suppose that is what he meant. This proposal is after my own heart. I am all for associating non-officials with this important work, and I hope to be able to do something in this direction at an early date.

In regard to the suggestion made by my Honourable friend Mr. Dalal, and also referred to by the Honourable Pandit Kunzru, that we should augment our supplies of foodstuffs by imports, I entirely agree, and I will use my best endeavours to that end. The House knows that the matter does not rest with me.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : May I interrupt the Honourable Member ? Have the Government of India approached His Majesty's Government on this point, and have they received any reply from them ?

THE HONOURABLE SIR JWALA PRASAD SRIVASTAVA : Yes. The provision of shipping and foreign exchange have been the bottlenecks.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Am I to understand that His Majesty's Government have turned down the request of the Government of India for the importation of foodstuffs into India from outside ?

THE HONOURABLE SIR JWALA PRASAD SRIVASTAVA : No ; they have not.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : What is the precise position at present ?

THE HONOURABLE SIR JWALA PRASAD SRIVASTAVA : The position is that as soon as shipping is available—

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : That means, after the war !

THE HONOURABLE SIR JWALA PRASAD SRIVASTAVA : Not at all. There will be no need to import foodstuffs after the war, I hope. We are doing our best, and I hope our efforts now will meet with greater success than in the past.

The provision of more consumer goods for the cultivator is also a matter which has my support, and I will pursue it with alacrity.

Sir, attention has also been drawn to the constitutional position as between the Centre and the Provinces. I am not a constitutional or a legal Pandit but I wish to assure the House that I will not be deterred by academic considerations and I will see to it that the provinces do not flout our wishes. I am determined that an all-India policy shall be followed by all.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : May I put a question to the Honourable Member at this stage ? Do Government propose to have a central purchasing organisation or do they propose to allow the present state of things in regard to purchase to continue ? In other words, do they mean to let the Provincial Governments still remain their purchasing agents ?

THE HONOURABLE SIR JWALA PRASAD SRIVASTAVA : As I have said, I am only a baby, two days old. I believe the matter has been discussed by a Conference of Provincial representatives and non-officials and I am awaiting their report.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : That Committee, I understand, recommends that the present state of things should continue.

THE HONOURABLE SIR JWALA PRASAD SRIVASTAVA : I have not yet seen the recommendations of that Committee, I wish to assure the Honourable Member.

Lastly, Sir, I welcome the suggestion that landlords and those who have a stake in the countryside should take a larger and more direct interest in the growing and procurement of food and it is my intention to see how best we can utilise them to this end.

Before I conclude, Sir, I crave the indulgence of the House to strike a personal note. It has been my ambition, Sir, from my younger days, to see India a country where every one has a square deal and four meals a day, if we can. I have tried in my humble way to help towards this aim just as I know the Honourable Members in this House and the political leaders of this country have tried. Sir, the problem which faces us today is not one which has any political tag attached to it. Whatever may be our aspirations as to the future of our country, we all are united in our endeavour to see that no one starves in our midst. We may have our differences in this House but surely we have always met in amity at the dining table. Let us meet in the same spirit, Sir, to tackle this problem. But in this task, Sir, without the help of my colleagues here, without the fullest co-operation of the public and their leaders, without the wholehearted support and assistance of the provinces and their

Governments, without the help of the States, without the goodwill and patriotic sense of individuals, nothing can be accomplished and in the name of our country, I appeal, nay I demand, Sir, that co-operation and help. I repeat, I wish to democratise this Department in the sense that it must work in accordance with the wishes of the people for whose benefit it exists. At the same time, Sir, I will not hesitate to reinforce ruthlessly any measures which may be necessary and to crush any individuals or corporations or vested interests which may seek to profit from the sufferings of the many, and I will also not hesitate to enforce an all-India policy in a vital matter of this kind. I admit, Sir, that the job could very well have been entrusted to abler hands than mine. But I assure the House in all humility that I am determined not to give in to complacency or defeatism, however hard the task may be. Sir, hunger is not a thing to be toyed or trifled with and the Government of India is resolved that it shall not be trifled with. I assure the House and the country that with God's help—I promise—that nothing will be left undone to get the results that the country demands and I am sure, Sir, that I have your support and the support of my Honourable colleagues here and their blessings in this tremendous task. (*Applause.*)

THE HONOURABLE THE PRESIDENT: Honourable Member, I would like you to enlighten the House on one point. In the course of his speech, the Honourable Pandit Kunzru made a charge against the Government of India that a Provincial Government was buying grains at a much cheaper price and selling it at a colossal high price to the Government of India. Is it a fact?

THE HONOURABLE SIR JWALA PRASAD SRIVASTAVA: That will be dealt with by the Secretary (Major General Wood) in his closing speech, Sir.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Is it a fact?

THE HONOURABLE SIR JWALA PRASAD SRIVASTAVA: I have not got the details and the Secretary will give them.

THE HONOURABLE THE PRESIDENT: That is most important information which the Council would like to have and I shall expect the Honourable the Food Secretary to give us that information.

THE HONOURABLE MAJOR-GENERAL E. WOOD: It is a fact, Sir.

THE HONOURABLE MR. V. V. KALIKAR (Central Provinces: General): Sir, the Honourable the new Food Member, who said that he was two days old in the Department, has created some hopes in our mind. He has said that he will take drastic action against the profiteers and try to give food to the 400 millions of India. We shall all be obliged to him and he will be fulfilling his duty to himself and to his countrymen if he does so. Sir, the Government of India have not, up till now, even in the speech made by the Honourable Member, disclosed their plans and laid their cards on the table. It is a matter of deep regret to us, Sir, that this Government as well as the Provincial Governments have not taken any steps in the right direction to see that the food situation does not develop to such an extent the result of which is that people are dying in the streets of Calcutta of starvation.

Sir, in the United Kingdom the Government have learned the lesson from the last war and I understand that the people are getting nutritious food and on the average more food than they used to get before the war. Here after the outbreak of the war the Government of India till now have not laid down any policy. There was no co-ordination between the Government of India and the Provincial Governments; no systematic plan was made out for meeting the situation, and the result is that a crisis has come in many tracts of the country which practically weakens the home front as it is hard to keep our home front strong.

Sir, the spokesman of the Government of India in this House and the other House as well as Mr. Amery have taken to task certain zamindars and certain consumers who they say are hoarding foodgrains and that this situation has been brought about by them. Sir, I want to apply my mind for a moment to the implications of the word "hoarding". It seems, Sir, that Mr. Amery and the spokesmen of the Government of India do not really understand the situation in the villages. My Honourable friend General Wood told us yesterday that if the big zamindars were to sell their foodgrains the small zamindars would follow. If I understand him correctly, he implied thereby that the big zamindars were hoarding foodstuff.

[Mr. V. V. Kalikar.]

If that is so, I must bring to his notice the position that exists in my province and with which I am intimately connected. I am not a big zamindar ; I am a very small zamindar. If the small zamindar produces a certain quantity of foodgrains that quantity is first required by him to pay in kind the wages of agricultural labour, and also he has to advance loans in kind to the farmers. These loans are returned back to him at the time of the next harvest. If a zamindar or a malguzar keeps a certain amount of grain with him, that is no hoarding ; that is quite necessary, in the interests of agricultural operations. If this is called hoarding, then I plead guilty to that charge. But it is an immemorial custom among zamindars to make provision for agricultural operations till the next harvest. So, Sir, I submit that he should not say that zamindars hoard grain and make profit out of it. If he wants to know who is making profit out of the situation, I had better refer him to the speech of Dr. Shyama Prasad Mukherjee made the other day in the Legislative Assembly in Bengal. There he charged the present Government with having given a contract to a certain company for purchasing foodgrains and the company purchased at a very small rate and sold it at a very high rate. Sir, as my time is limited, I do not want to quote the whole of it. I will merely refer him to page 13 of the pamphlet where Dr. Shyama Prasad Mukherjee has given the figures.

Sir, my Honourable friend Pandit Kunzru has stated today who are profiteers. It was stated in the other House also and I have also received reports that there are certain Provincial Governments who are making purchases for meeting their outside commitments, which want to export foodgrains out of India and that their agents are purchasing foodgrains for the Defence Services at a very low price and selling it at a very high price. I am very glad to know from the Honourable the Food Member that he was a baby of two days but that he was going to grow quickly. I wish he would put his foot on these profiteers and not on the small landholders or zamindars who want to keep foodgrains for their own needs. Will he have the courage to put his foot on the head of a Governor who disregards the advice of his Ministers and exports foodgrains outside ? Will he have the courage to take strong and drastic action against Provincial Governments which purchase foodgrains at a very low rate and sell it in the market at a high rate ? Sir, the theory has been trotted out here and in the other House that the Government of India could not do anything on account of provincial autonomy. This tall talk of provincial autonomy is nauseating. We have heard a lot about it. If any constitutional lawyer wants to know what is provincial autonomy, what sort of provincial autonomy exists in Bengal where so many people are dying of starvation, he should read the speech of the then Prime Minister Mr. Fazl-ul-Huq and Dr. Shyama Prasad Mukherjee. Their statements have not been contradicted. The head of the province sent out of Bengal a large quantity of rice without consulting the Ministers and with the help of the permanent officials, knowing that Bengal was in need of rice, knowing that Bengal requires rice for her own needs. What is the use of talking about provincial autonomy ? Could not the head of the Government of India take steps against the head of that Government ? Sir, we have heard enough of this provincial autonomy. Our charge is that in the past the Government of India have not taken any definite action, any drastic measure, so that the situation may not develop to this state of affairs. If anybody is responsible it is the Government of India and the Provincial Governments who have brought about this situation. No tall talk of provincial autonomy will convince us that the Government of India could not interfere in the doings of the provinces because there was provincial autonomy.

Sir, I have nothing to say further except that the Government of India in their own interests and in the interests of the country as such should disclose their plans to the House so far as the food situation is concerned. If the new Food Member wants the co-operation of this House we are ready to co-operate with him, provided he also abides by the advice tendered by this House.

Sir, my friend the Honourable Dr. Kunzru—I do not want to repeat his arguments here—has already told us and cited figures to show that the deficit provinces are not getting sufficient quota from the surplus provinces. Sir, I have figures before me to show that the normal quota that was supplied to the deficit provinces

from the surplus provinces of wheat and rice is not yet supplied. Either this is due to the obstructionist policy of the Provincial Governments or to want of transport we do not know, but as the new Member in charge desires to give food to 400 millions he must see that this obstructionist policy of the Provincial Governments is done away with and that the Government of India enforces its authority so that the deficit provinces may get sufficient from the surplus provinces to meet their needs.

I want now, Sir, to say a word about the Grow More Food campaign. I do not share the view of my other colleagues that this campaign would not in any way solve the situation, but I want to impress upon the mind of my Honourable friend Sir Jogendra Singh—and I know that he is very keen on that point—that to create more enthusiasm amongst the cultivators for growing more food they must be supplied with all the facilities that they need; I mean, fertilizers, the smaller instruments and also that their crops should be taken to the market and they should get a fair price. Sir, you cannot create enthusiasm amongst the cultivators unless you provide them with all the facilities that they need. I therefore submit, Sir, that in this matter of Grow More Food the Provincial Governments ought to be informed by the Government of India that in those provinces, or in those tracts of the provinces where owing to the vagaries of nature crops have failed there ought to be suspension and also remission of land revenue and that whatever amount is given by the Government of India now by way of grant for this Grow More Food campaign should be increased so that the cultivator may get some facility.

Sir, I congratulate the new Member for the conciliatory way in which he put up the case before us. I hope he will take courage in both his hands and put down the profiteers—not only the private profiteer, but also Provincial Governments, big Corporations, etc., if they happen to be profiteers—and take drastic action against them.

(The Honourable Saiyed Mohamed Padshah Sahib Bahadur rose to speak.)

THE HONOURABLE THE PRESIDENT: How long will you take?

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR (Madras : Muhammadan): About a quarter of an hour, Sir. I shall be as brief as possible.

THE HONOURABLE THE PRESIDENT: Would you like to begin your speech after lunch or just now?

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR: I would like to finish before lunch. It will not be possible for me to be in time after lunch. Today is Friday and I may be late in coming to the House. If instead of time being wasted you will allow me to speak now I will finish my speech in 10 or 15 minutes.

THE HONOURABLE THE PRESIDENT: It is in order to save time that I am making this request.

*THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR: I will do my best to finish my speech within a quarter of an hour.

Sir, before I make my observations I would like to congratulate the Honourable and Gallant Mover of this Resolution on the lucid manner in which he has recounted all the measures that the Government of India has been adopting in respect of the question which is now under discussion.

Sir, before actually making my criticism of the present policy of Government I should like to refer briefly to the background. I should like to state at once that much of the difficulties with which we are faced at present is due to the gross negligence and indifference that the Government has shown in this matter in the years past. Sir, Honourable Members are aware that within these 40 or 50 years the population of India has considerably increased but it is also a matter of common knowledge that the Government never did anything to help the production of the country to keep pace with the increase in the population. Sir, if only the Government had not merely rested content with collection of revenues but had also taken some steps to see that the acreage under food cultivation was also gradually increasing in order to keep pace with the increase in population, things would have been much better and much of the present difficulty would have been avoided. But that is past history.

1 P.M. What has been the conduct of the Government even in recent years?

We find that even the occupation of Burma, even the fact that this country was deprived of one of its very great and important sources of supply of

[Saiyed Mohamed Padshah Sahib Bahadur.]

rice, did not succeed in waking the Government of India to the full realisation of the seriousness and urgency of the food situation. The Food Department was started only a few months ago, even though Burma was lost about a year and a half ago. Even though after the establishment of this Department Government have been trying to tackle this problem in some seriousness, it has got to be admitted that the steps that the Government have taken have not brought about the desired results, partly because things have been allowed to drift in the past so much that it is not possible to bring them under control in a brief period, and partly also because of want of firmness on the part of the Government of India in seeing that its instructions were carried out. This is not the moment when these things could be allowed. The present need for improvement in the food situation is great and pressing. It does not admit of any dilatory action. It does not admit of decision and action to be taken in the usual leisurely fashion to which the Government of India is accustomed. Decision upon action has got to be taken immediately, and this decision has got to be put into effect promptly and relentlessly. And I am glad that the Honourable the new Food Member has told us that in carrying on his business he will try to enforce his decisions in a ruthless and relentless manner. I am glad also that the Honourable Member has raised some hopes in us that he will try to induce foodstuffs to move from the myriads of villages in the country to places where they are badly wanted.

But on one point he has failed to give us any information. He has not told us how those foodstuffs would become available to the rural man for whose welfare and for whose convenience all this trouble has got to be taken. After all, Sir, it is not the rich upper classes who need assistance in this respect ; it is the poor man, the man in the street, the common man, who has got to be helped to get necessities of life. Therefore we had a right to know from the Honourable Member as to whether the food which would be made available would become available to the people in the places where it would otherwise and but for the efforts of Government it would not have been available, and whether this food would be available at a reasonable price. My Honourable friends who preceded me have told us at what exorbitant prices food is sold in places like Calcutta, and in other places in Bengal. But it is quite obvious that it is no use taking all this trouble and making much ado about the efforts of the Government of India to procure food if it is not available at a reasonable price, at a price which will place it within the reach of the common man, the man in the street.

Again, Sir, some difficulties have been put forward as having thwarted all attempts of the Government of India in this direction. First of all, it was said that it was the Provincial Governments that had set their face against the attempts of the Government of India to bring about improvement in the situation. It is a pity, Sir, that we have heard in this House and in the other House that this opposition to the efforts of the Government of India comes in the most rigid form, in the most strenuous form, from those provinces where bureaucratic government in its most undiluted form is functioning. It is a pity that the Governments of provinces where section 93 is in operation are the Governments who have set their faces against the action of the Government of India. It is not only pitiable ; it is something which is humiliating to the Government of India to come to us and confess that they are not in a position to do even this—that they are not able to make those Governments which are directly under their supervision and control and direction take proper action in this matter. If the Government of India is helpless, if it is not in a position to induce even those Governments which are merely to carry out the instructions of the Government of India, if even those Governments cannot be induced to obey the Government of India, we can imagine to what pitiable straits the Government of India has been reduced. I hope the Government of India will not take shelter behind this excuse and that it will use all its powers in this respect. Attention has been drawn by my Honourable friend Pandit Kunzru and many other speakers to these powers, which should be used by the Government of India promptly and ruthlessly.

Government have said that they will try and put down all obstruction in the most relentless manner. But we find that no real and proper kind of firmness has been shown by the Government of India in this respect. We were told in the other House that the Government of India tried to bring about a free flow of goods from

one place to another to encourage free trade, and that impediments were placed in the way by some people. It was stated that cartmen were not allowed to carry grain, that post offices and station masters and everybody else were influenced to see that they put some obstacle in the way of the free flow of goods. This appears to have been done about three or four months, and until now the real culprits have not been found and punished. If this is the way in which the Government of India is going about the business, we fail to see what relief we can hope to get from the efforts of the Government of India in this respect.

One word about my own province. I understand that the Province of Madras is classed among the surplus provinces. I am very much surprised to see this, in view of the fact that in most parts of my province people are dying from starvation and that in many districts people are falling a prey to cholera and other epidemics merely on account of malnutrition, because they have not the stamina to resist the disease. Almost all the Ceded Districts have been declared to be famine-stricken, and in most parts of the western districts there is cholera raging. Numbers of people fall a prey to the disease only because of the fact that they have not the proper strength and the stamina to resist it. It is a wonder, in these circumstances, how my province has been declared a surplus province. My province has been deprived of the two or three million tons of rice which it had been getting from Burma, and of about half a million tons of rice which it had been getting from Indo-China. In the face of these facts, I simply wonder whether in fact my province is a surplus province, or whether it is so only in the records of the Government of India.

Just one word about some Provincial Government which seems to have tried to sell grain to the Central Government at a price higher than the price at which it had purchased it. I want to put only one or two questions on this point —

THE HONOURABLE THE PRESIDENT: The Honourable Member has already spoken for fifteen minutes. The Honourable the Food Secretary has to reply.

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR: I want information on just one or two points, Sir.

I should like to know the price charged by this province which seems to have defaulted—I want to know whether the price charged by the province to the Central Government was higher than the price which it paid to the other provinces which have not tried to make this sort of profit. Another thing is, whether the action of these Governments in purchasing food in their own provinces has not been to the advantage of the people in the provinces to the extent that it has kept down the prices in their own provinces.

Sir, I do not want to inflict any further speech on this House as it seems to be a little too impatient for its lunch.

THE HONOURABLE THE PRESIDENT (to Major-General the Honourable E. Wood): How long will you take?

MAJOR-GENERAL THE HONOURABLE E. WOOD: About 20 to 25 minutes, Sir.

THE HONOURABLE THE PRESIDENT: Honourable Members, what is your desire—whether to finish the debate now or after lunch?

SEVERAL HONOURABLE MEMBERS: We had better finish now.

MAJOR-GENERAL THE HONOURABLE E. WOOD: Sir, I have listened to this debate with very great interest but I must confess to being a little dazed by the remarks that have been made; remarks crediting me with things that I have never said, and there has been a certain amount of comment about my trotting out "this old excuse or that old excuse". Well, if I may continue the simile in terms of this horse language of "trotting out", may I congratulate my Honourable friend Mr. Hossain Imam on his brilliant equestrian feat? Starting off down the food race-course, he soon left it, galloped rapidly across country and gave us a brilliant steeple-chase display.

THE HONOURABLE THE PRESIDENT: That is always his habit.

MAJOR-GENERAL THE HONOURABLE E. WOOD: But he eventually met a broad ditch which his horse was not good enough to cross and came a cropper. That ditch was exports. He quoted some financial figures of exports of foodstuffs in March, 1941, March, 1942 and March, 1943 respectively of 2·15 crores, 3·37 crores and 3·15 crores and so demonstrated that all the protestations of the Government of India about reduced exports were false. He did not, however, make mention of the fact

[Major-General Wood.]

that out of this large total, 213 lakhs was for tea, 62 lakhs was for fish, fruit, spices and oilman stores and the balance probably consisted of liquor, tobacco and sugar, leaving residue of 29½ lakhs for grain, pulses and flour. The figures for the two previous years were 80 lakhs and 85 lakhs and this has descended to 29½ lakhs and that despite the fact that the cost of these commodities has gone up by four, five or six times. The Food Department, by press notices, by press conferences and in other ways have tried to give publicity to the truth in this matter of export figures. It was repeated in another place the other day that the totality of exports of foodgrains from this country in the first seven months of this year was substantially less than 100,000 tons against a normal annual export of 750,000 tons. This continued harping on this vast export programme that does not exist is coupled with another charge and here I would refer to the remarks made by my Honourable friends Mr. S. K. Das, Mr. S. K. Roy Chowdhury and Kumar N. N. Sinha who, taking this as the starting point, laid the blame for the ills of Bengal to vast exports from the province, vast army purchases and the vast denial transactions. I should like to quote the figures of exports from Bengal, figures which it was stated on the floor of this House have never been denied. I will take the privilege of denying them. The total amount of foodgrains exported through the port of Calcutta from April, 1942 to February, 1943 was 48,480 tons. Substantively none of it was the produce of Bengal. It is not the responsibility of the Provincial Government to control exports from the province by sea. The responsibility is that of the Central Government. With regard to denial rice, to which so many ills are ascribed, the total of the whole of this denial purchase was 30,000 tons. Of this quantity, there was resold in Bengal, for consumption in Bengal, 27,400 tons. The balance of the denial rice which has caused all this tribulation to Bengal was 2,500 tons! This 2,500 tons was exported to Ceylon and probably mostly eaten by Indian labour on rubber estates in Ceylon, and out of the totality of this denial rice, there was handed over to the Army the great quantity of 100 tons!

As regards the immense purchases for the Army, there was, during the calendar year 1942, the immense quantity of 7,000 tons of rice purchased in Bengal for the Army, and in 1943, nil. So much for these fables and stories of exports and gigantic purchases. There have been no exports from Bengal by land for at least ten months and the Government of India have now prohibited all exports of rice from India.

Many Honourable Members, particularly those coming from Bengal, have asked what more help can be given to that unfortunate province. At the present moment we are raising the despatches as fast as we can. There are difficulties owing to railway communications having broken down. We are raising the despatches from 60 to 90 wagons a day. We have two ships at sea at the moment bound for Calcutta and we have two more ships that will soon be loading. We are doing all we can for this deficit area and for others. I am grateful to my Honourable friend Mr. Kunzru for drawing attention to the fact that if matters are gauged by the question of how much you have and how much you have not, what are your domestic resources and what you must have, then the real deficit areas in this country are the two States of Travancore and Cochin which produce only 33 per cent. in their country of what they need. I am pleased to tell my Honourable friend that we have maintained our supplies throughout the whole period, occasionally with very great difficulty. We had very great misfortunes, because it is a long way to take them, and more than once the ships have broken down *en route*. But we are sending in the future something in the region of 20,000 tons a month and we hope that this will be sufficient to see them round the corner until the next crop season.

There has been some conflict of opinion, Sir, on the question of free trade or control. My Honourable friends Colonel Sir Hissamuddin and Sir Buta Singh expressed themselves strongly in favour of free trade but other Honourable Members, Maulvi Ali Asghar Khan, Mr. N. K. Das and Sir Ramunni Menon, were against free trade. It would be well to remember and to recognise that free trade does not merely mean the free buying or selling of goods; it also means freedom in the matter of transport, availability of transport and every other consideration and to talk of free trade in conditions that obtain in war, and as applying in this country today, is a misnomer. It would only be partial free trade and under these partial free trade conditions the easiest outlet, the longest purse, will win. Under those conditions unless some form of the control is applied the poor man will come off second best. But—

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : May I put a question to the Honourable Member ? Is he confusing control over the imports into a province with price control ? • Does he mean to say that if there is a controlled organisation for the purchase of food for deficit areas that will automatically lead to control of the prices prevailing in that area ?

MAJOR-GENERAL THE HONOURABLE E. WOOD : No, Sir, I do not mean that. And since the Honourable Member has mentioned it I would draw his attention to the fact that the quantities of food that may be imported into a province are but a tithe of the domestic resources and in that ratio will they have effect on the domestic resources if there is a free trade play of interests. If the domestic price for 90 per cent. of the goods is 10 and you import rice at 12, is that going to influence the price by more than a few annas ? But the exponents of free trade always vitiate their case by demanding that this must be done or that must be done. In other words, they themselves always end up by demanding actions which in themselves mean control.

Another point, Sir, and a point that was raised by many speakers, Rai Bahadur Ram Saran Das, Sir Buta Singh and Sir David Devadoss, concerned non-official help. We are fully conscious that in this matter of food administration we stand in need of, and we require, any and every help we can get from whatever direction or source it may come. As things are turning and developing, the greatest centre and focus of the non-official help that can be given will be, as has been given in Bombay, strong, enthusiastic and energetic committees of non-officials to advise the authorities on rationing. Since we have set ourselves towards rationing, I hope that what takes place in Bombay will be repeated everywhere else and that we shall have a link of committees all over this country to advise the officials responsible for rationing and from those committees we shall be able to draw representatives into a panel for consultation at the Centre. But I do not want to anticipate this matter. The Food-grains Policy Committee have this matter of non-official help under their consideration and I hope that if a recommendation of some kind for non-official help to the Central Government is made and is accepted by the Central Government, if we approach my Honourable friend Rai Bahadur Ram Saran Das, he will be willing to give us his valuable help. I have found too many cases where people are not ready to come forward to mix themselves up with the difficulties of food administration.

Perhaps the most important matter brought into this discussion was the statement that action was required to enforce a common plan, or, stated in another way, that the Central Government had been feeble and weak in imposing its will and wish on the provinces. I beg to suggest that the conception underlying these accusations is wrong. It is not sufficiently appreciated that this is not a matter of 'I will not' but a matter of 'I can not'. Beneath all the past differences of opinion between the Central and the Provincial Governments is the matter of statistics ; and when we are being urged to take swift action here and swift action there, particularly when the matter touches on statistics, I would remind the House that the perfection of rationing and food control in England was made possible at the outbreak of the war because there had been appointed special machinery to deal with the whole basis of statistics, which was suitable for such control purpose, in 1929. It is not that the provinces do not wish to conform and assist in a general policy. It is that our statistics have little validity. They feared, felt and believed that they had not got what we thought they had. Haven't we found an echo of it here in this House ? How many Honourable Members have argued "My province had nothing?" One Honourable Member passionately claimed that Orissa is a deficit area. You will see from statistics that Orissa has consistently exported year after year unfailingly and in unbroken succession, an amount which speaking from memory, is about 275,000 tons of rice a year. Why has Orissa suddenly become a deficit area ? It is those arguments, those beliefs, that have led to the differences of opinion ; and the only point at which force might have been applied was at the point where we could have said, "Well, let us now suspend discussion and let us move to action". But I draw the attention of the House to the fact that argument has now ceased and that action is being taken all over this country to try to secure certain levels of procurement, certain quantities of goods, which can be passed to the deficit areas.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : May I put a question to my Honourable friend ? What has the inaccuracy of statistics in general to do with

[Pandit Hirday Nath Kunzru.]

the supply of the quantities which the Provincial Government themselves have agreed to give to the Central Government ?

MAJOR GENERAL THE HONOURABLE E. WOOD : Since the position I have explained and from the 1st of August forward, a modified Basic Plan has come into operation and it is based on figures that the provinces themselves have volunteered. Now statistics is not merely a question of figures. It is the interpretation of figures and we get back to the old saying that "there are lies, worse lies and statistics", and I would like to tell the House of two instances out of many that have recently occurred in this matter of statistics so that they may appreciate more closely what is at the bottom of this question of "Have you got so much or have you not ?" There was one deficit area that required an amount of foodgrains so large it was difficult for us to understand. Arguments went on till the advent of the monsoon. They explained that because it was the Bikrami year 2000, and because three noughts are most unlucky, they thought that the monsoon must fail and so asked for everything that would be required for the year. Another deficit area suddenly reduced its deficit from 75,000 tons to 5,000. We had been pressing them because their case seemed very weak and when we demanded their reason they said, "Well, on closer investigation we have discovered that most inhabitants of this country have got three years' supplies". In elucidating facts, in securing agreement in a field where so much is unknown, where there is so much ignorance, those responsible for feeding the people must be actuated by the fear that derives from ignorance which in turn generates caution and hesitancy before they will say. "We can spare so much". It is not a question, and has never been a question, of defiance by one Government of another.

My Honourable friends Mr. Kunzru and Mr. Das have made certain comments on the price at which grain is sold. It is quite true, Sir, that the Sind Government buy at a controlled price and sell outside at a higher price.

THE HONOURABLE THE PRESIDENT : 100 per cent. higher ? At what price ?

MAJOR-GENERAL THE HONOURABLE E. WOOD : The Sind Government buy Sind rice at Rs. 9 and sell it at Rs. 14-8-0.

THE HONOURABLE THE PRESIDENT : Is it not high enough ?

MAJOR-GENERAL THE HONOURABLE E. WOOD : They buy wheat at Rs. 7-11-0 and sell it to deficit areas at Rs. 10-0-0.

But the reason, Sir, is this. By the accident of geography Sind is virtually an island, bound on three sides by desert and on the fourth by the sea with only two entrances and exits : a port and a railway. They are largely uninfluenced by the accidents and incidents of food administration elsewhere occurring in this country. Moreover, they have consumer goods—consumer goods in the form of land—and the peasantry are land-hungry. Therefore, there is no question in Sind of the cultivator hanging on to his grain. It is possible in these circumstances to impose, and impose successfully, a price control on foodgrains at a comparatively low level, but the Sind Government take the view that it would be unfair to the Province of Sind that, because they are successful in controlling the price of their commodities, they should be called upon to buy imported commodities at a much higher price.

THE HONOURABLE THE PRESIDENT : Do you agree that their argument is sound ?

MAJOR-GENERAL THE HONOURABLE E. WOOD : We are in argument at the moment, Sir.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : And will continue to be so during the war !

MAJOR-GENERAL THE HONOURABLE E. WOOD : I would mention, Sir, though, one point and that is that the Sind Government is at present placing this margin in a suspense account with the direct object of benefiting the cultivator. The two objects are : improvement of rural communications and also contributions to future irrigation prospects.

As regards the allegation that Bengal is buying rice at a cheap rate in other places—Orissa was mentioned—and selling it in Bengal at a higher price, it has got to be remembered that Orissa is not the only place that is providing rice to Bengal today. It is coming from the United Provinces, from the Punjab, from Bihar, from the

Eastern States, from Assam and in order to sell it a pool price has got to be struck—an average price. That is the answer to this allegation that the Bengal Government is making vast profits at the expense of Orissa rice.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : What is the profit which the Bengal Government charge per maund ?

MAJOR-GENERAL THE HONOURABLE E. WOOD : On what foodgrains, Sir ?

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Rice.

MAJOR-GENERAL THE HONOURABLE E. WOOD : They charge no profit as far as I know.

THE HONOURABLE THE PRESIDENT : On what basis do they strike the average ?

MAJOR-GENERAL THE HONOURABLE E. WOOD : Sir, if the anticipated purchases, the quantities to be purchased in any given month in accordance with what the programme may be, are set against the prices as you hope they will be, you strike the weighted average price and that is the declared pool price of the commodity for the month ensuing.

One Honourable Member has mentioned the fact that we are attempting to secure imports into this country. Efforts are going on now, but I should like to reply to the question of my Honourable friend Mr. Kunzru who enquired, "What is His Majesty's Government's attitude ?" and of this I can speak authoritatively. It is an attitude of the greatest sympathy, the greatest understanding. We have been given since this House last met a total import of wheat of over 200,000 tons and that was to which my late predecessor referred and we have hopes—high hopes—of securing this and more but there is a war on, there is shipping difficulty —

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Can the Honourable Member tell me whether any representations have been made to His Majesty's Government on this point and whether any reply has been received from them ?

MAJOR-GENERAL THE HONOURABLE E. WOOD : I have informed the Honourable Member that we are at present trying to get wheat, which implies that messages have gone and replies have been received, the purport of which I am not prepared to state.

In the debate, Sir, questions were asked as to what assistance might be given to South India and other places. I should like to inform my Honourable friend Sir A. P. Patro that in the next few months we hope to secure and despatch over 100,000 tons of foodgrains to Madras. I was asked also certain questions by my Honourable friend Pandit Kunzru as to what supplies had been imported into Bengal from outside. As far as my memory serves me, the figures are in the region of 15,000 tons of rice from Assam, and, on the Orissa figure, 80,000 tons of rice. But the totality of all imports into Bengal from the 1st of January to the 31st of July was 242,000 tons. I should like also to inform him that the Bengal Government have already built up stocks, and are on the point of introducing a rationing scheme.

Sir, in conclusion I should like to mention three points. So many of the remarks made in the debate do not appear to have taken account of the fact that the Central Government is, as it were, the wholesaler, the wholesaler who deals up to, but not beyond, the boundary of a province, and that it is the Governments of the Provinces and States that are the retailers and operate within the boundaries of the Province or State.

Another point is that we were accused of having no future plans. I am at a loss to understand quite what that means. If the announcement of rationing is not in itself a policy all-embracing, with all that it entails, I am at a loss to know what is future policy. It means that the Government have turned their back on free trade. It means that Government have set their feet on the path of control and more control until complete rationing in all urban areas of consequence has been achieved. With rationing are linked the ultimate consequences of control over the domestic resources in a province—control over distribution, control over prices, and the prevention of hoarding.

My third and last point, Sir, is that I would commend to the notice of the House the instrument and weapon for the physical control of foodgrains in this country is the Foodgrains Control Order. I repeat what I have already said, that without physical control no other controls will be effective. The Foodgrains Control Order

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has within itself the seed of physical control and is the framework around which the food administration must build itself. It is the basis of price control, it is the basis of distribution Control, and it is the basis of anti-hoarding.

Sir, I would like to say that we are greatly indebted to the House for their many suggestions, which, as my Honourable Member has mentioned, will be given consideration. And, as this is the first and probably the last occasion I shall appear in this House, Sir, I should like to express my gratitude for the kind and sympathetic treatment that has been accorded to me personally. (*Applause.*)

THE HONOURABLE THE PRESIDENT: This concludes the debate on the food situation.

STATEMENT OF BUSINESS.

THE HONOURABLE SIR MAHOMED USMAN (Leader of the House): Sir, it is expected that the Legislative Assembly will pass the War Injuries (Compensation Insurance) Bill today. I, therefore, suggest that for the purpose of laying the Bill on the table of the House we may meet at 11 A.M. on Saturday, the 14th August. The Motions for the consideration and passing of the Bill will be taken up on Friday, the 20th August. If, however, any more Bill is passed by the Legislative Assembly in the meantime, the House will have to meet earlier than Friday to lay it on the table and the date of such meeting will have to be intimated by circular.

The House then adjourned till Eleven of the Clock on Saturday, the 14th August, 1943.

COUNCIL OF STATE
Saturday, 14th August, 1943

The Council met in the Council Chamber of the Council House at Eleven of the Clock, the Honourable the Chairman (The Honourable Sir David Devadoss), in the Chair.

BILL PASSED BY THE LEGISLATIVE ASSEMBLY LAID ON THE TABLE.

SECRETARY OF THE COUNCIL : Sir, in pursuance of rule 25 of the Indian Legislative Rules, I lay on the table copies of the Bill to impose on employers a liability to pay compensation to workmen sustaining war injuries and to provide for the insurance of employers against such liability, which was passed by the Legislative Assembly at its meeting held on the 13th August, 1943.

STATEMENT OF BUSINESS.

THE HONOURABLE THE CHAIRMAN (The Honourable Sir David Devadoss) : Has the Honourable the Leader of the House any statement to make regarding the course of business ?

THE HONOURABLE SIR MAHOMED USMAN (Leader of the House) : We will meet on Friday next, Sir. Of course, if a meeting is to be held earlier, we will have to circulate a notice to Honourable Members.

THE HONOURABLE THE CHAIRMAN : The Council is adjourned to — .

THE HONOURABLE MR. V. V. KALIKAR (Central Provinces : General) : I have given you notice of an Adjournment Motion, Sir. I gave it to you, to the Secretary and to the Member in charge.

THE HONOURABLE THE CHAIRMAN (The Honourable Sir David Devadoss) : As at present advised, I do not think the Chairman has power to admit an Adjournment Motion. He has no power to admit Questions and he has no power to admit Resolutions and an Adjournment Motion is, I believe, the same as a Resolution. So, unless you can show me some authority or precedent, I am afraid I shall have to disallow the Motion till the President is able to be here.

THE HONOURABLE MR. V. V. KALIKAR : Rule 14 on page 6 of the Manual of Business and Procedure says :—

“ Any Chairman of the Council shall, when presiding over the Council, have the same powers as the President when so presiding, and all references to the President in the rules shall be deemed to be references to any such person so presiding.”

This rule is quite clear, Sir. Under this rule, a Chairman who presides over the Council has the same powers as the President when so presiding.

THE HONOURABLE THE CHAIRMAN (The Honourable Sir David Devadoss) : Honourable Members, I do not think this rule will enable the Chairman to admit a Motion of Adjournment of the House, because notice of an Adjournment Motion is to be given before the House meets. Therefore, I do not think this rule refers to anything which has to be done before the Chairman takes his seat in the Council and I am sorry to say that I disagree with the Honourable Member. I do not think I have the power to admit an Adjournment Motion which ought to have been put in before the House meets and then it is for the President to decide whether it is a Motion which can be moved or not.

THE HONOURABLE MR. V. V. KALIKAR : I bow to your ruling, Sir, but may I explain ? The House met at 11 A.M. I gave the notice ten minutes before the House met and under the rule, as the Chairman has got all the powers of a permanent President, I think you have got the power to admit or reject the Motion. That is my submission.

THE HONOURABLE THE CHAIRMAN (The Honourable Sir David Devadoss) : As the President is here in New Delhi, you can give the notice of the Motion to him and if he agrees you can have it on Monday or Tuesday. Monday probably is a holiday. Honourable Members might care to attend on Tuesday and you can have it on that day. That would be better instead of asking me to do a thing which, even

[The Chairman.]

on your own showing, is of very doubtful validity. I do not think, therefore, I shall be justified in establishing a precedent which has not been established before. Therefore, I regret I am unable to admit the Adjournment Motion. But I leave it to the Honourable Member to approach the President and if necessary he can have a meeting of the Council on Tuesday or Wednesday as he likes —— .

THE HONOURABLE SIR RAMUNNI MENON (Nominated Non-Official): You can only bring it up on the next meeting day. You cannot have a meeting for the purpose of an Adjournment Motion.

THE HONOURABLE THE CHAIRMAN (The Honourable Sir David Devadoss): I do not say you must have. I said I leave it to the President.

The Council is now adjourned to Friday next, the 20th instant, but if the Council is to meet on any other day before that, special notice will be sent to Honourable Members.

The Council then adjourned till Eleven of the Clock on Friday, the 20th August, 1943.

COUNCIL OF STATE
Friday, 20th August, 1943

The Council met in the Council Chamber of the Council House at Eleven of the Clock, the Honourable the Chairman (The Honourable Sir David Devadoss) in the Chair.

QUESTION AND ANSWER

PROMOTIONS BY SENIORITY

142. THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR :

(a) Is it a fact that the Home Department Communiqué of September, 1942 referred to by the Honourable Member, Posts and Air, in one of his speeches in the last session, lays down that promotions should be given to fit men according to seniority ?

(b) Is it a fact that some junior Hindu officials in the grade of Inspectors of Post Offices and Head Clerks to Superintendents of Post Offices, *e.g.*, Messrs. Shiam Lal Pande, Lal Mohan Chakrawarty and Darshan Lal have been given officiating appointments as Superintendents of Post Offices in the Lucknow, Bundelkhand and Fyzabad Divisions (United Provinces) ?

(c) Is it a fact that Mr. Lal Mohan Chakrawarty is junior to over a dozen Muslims of the grade of Inspectors of Post Offices and has he been sent from his post as Head Clerk in Rohilkhand Division to officiate as Superintendent of Post Offices in Bundelkhand Division ?

THE HONOURABLE SIR MAHOMED USMAN : (a) No.

(b) and (c) Yes. The case is being examined.

SHORT NOTICE QUESTION AND ANSWER.

RESERVATION OF 8½ PER CENT. VACANCIES FOR SCHEDULED CASTE CANDIDATES.

143. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : (a) Is it a fact that 8½ per cent. of all vacancies to be filled by direct recruitment of Indians in the central and subordinate Services to which recruitment is made on an all-India basis shall be reserved for Scheduled Castes candidates ?

(b) Did Government direct the reservation of 8½ per cent. of the posts referred to above for all minorities including the depressed classes but excluding the Muslims in their Resolution No. F. 14/17-B/33, dated the 4th July, 1934 ?

(c) Has reservation referred to in (b) been cancelled or reduced ?

THE HONOURABLE MR. E. CONRAN-SMITH : (a) Yes, except in the case of a few services and posts for which highly technical or special qualifications are required and which have been excluded from the purview of the communal representation orders contained in the Government of India Resolution No. F. 14/17-B/33, dated the 4th July, 1934.

(b) and (c) Under the terms of the Resolution of 1934 the depressed classes were not entitled to any share in the reservation of 8½ per cent. made for minority communities other than Muslims. In fact no separate reservation was made for the Depressed Classes. The question of cancelling such reservation or any part of it does not therefore arise.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Were the Anglo-Indians meant to be provided for within the percentage reserved for the other minorities or not ?

THE HONOURABLE MR. E. CONRAN-SMITH : Anglo-Indians were covered by the 8½ per cent. reservation for other minorities.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : What is there here to show that the Depressed Classes were not included ? What is there in this Resolution to show that this percentage of 8½ per cent. was not meant to include the posts to be given to the members of the Depressed Classes ?

THE HONOURABLE MR. E. CONRAN-SMITH : I would call the Honourable Member's attention to paragraph 3 of the Resolution of 1934.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : All that is here is that no reservation has been made for them ?

THE HONOURABLE MR. E. CONRAN-SMITH : Exactly.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Have they been included in the general reservation or not, though no particular percentage of the posts might have been reserved for them ?

THE HONOURABLE MR. E. CONRAN-SMITH : The answer, Sir, is in the negative. What used to be called the Depressed Classes now known as the Scheduled Castes came under the 66½ per cent. of general vacancies.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Does that mean that the proportion for Hindus other than the Scheduled Castes has been reduced to 56½ per cent.?

THE HONOURABLE MR. E. CONRAN-SMITH : It means exactly what is stated in the Resolution. The 8½ per cent. reservation for the Scheduled Castes will come out of the 66½ per cent. which at present is open to the general community and to Scheduled Castes.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : It is not clear from the Resolution.

INFORMATION PROMISED IN REPLY TO QUESTIONS LAID ON THE TABLE.

THE HONOURABLE MR. E. CONRAN-SMITH (Home Secretary) : Sir, I lay on the table the information promised in reply to question No. 51 asked on the 3rd August, 1943.

SECRETARIAT OF THE GOVERNOR GENERAL IN COUNCIL.

Higher appointments: Communal composition as on 30th July, 1943.

| Rank. | Community. | Civil Defence. | Commerce. | Defence. | E., H. & Lands. | External Affairs. | Finance. | Food. | Home. | Indians Overseas. | Industries and Civil Supplies. | Information and Broadcasting. | Labour. | Legislative. | Posts and Air. | Supply. | War. | War Transport. | Total. |
|-------------------|------------------------|----------------|-----------|----------|-----------------|-------------------|----------|-------|-------|-------------------|--------------------------------|-------------------------------|---------|--------------|----------------|---------|------|----------------|--------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 |
| Secretary | Non-Asiatic domicile | 1 | ... | 1 | 1 | 1 | 1 | 1 | 1 | 1 | ... | 1 | 1 | 1 | ... | 1 | ... | ... | 12 |
| | Hindu | ... | 1 | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 1 | ... | 1 | 1 | 4 |
| Addl. Secy. | Muhammadian | ... | ... | ... | ... | ... | ... | ... | ... | ... | 1 | ... | ... | ... | ... | ... | ... | ... | 1 |
| | Non-Asiatic domicile | ... | ... | ... | ... | ... | 1 | ... | 1 | ... | ... | ... | ... | 1 | ... | ... | 1 | ... | 4 |
| Joint Secy. | Non-Asiatic domicile | 1 | ... | ... | 1 | 1 | 1 | ... | 1 | ... | ... | ... | 1 | ... | ... | 2 | 1 | 1 | 10 |
| | Hindu | ... | 1 | ... | ... | ... | ... | ... | ... | ... | 1 | ... | ... | ... | ... | 3 | ... | ... | 5 |
| | Muhammadian | ... | 1 | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 1 |
| Deputy Secy. | Non-Asiatic domicile | ... | ... | 1 | ... | 1 | 1 | 1 | ... | ... | 1 | 1 | ... | 1 | ... | 2 | 4 | 1 | 14 |
| | Hindu | ... | 1 | 2 | ... | 2 | ... | 2 | 1 | 2 | 1 | 1 | 1 | 2 | 1 | 4 | ... | ... | 21 |
| | Muhammadian | ... | ... | ... | ... | 1 | ... | ... | ... | ... | ... | ... | ... | ... | 2 | ... | ... | ... | 3 |
| | Parsi | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 1 | ... | ... | ... | ... | 1 |
| Under Secy. | Non-Asiatic domicile | ... | 1 | ... | ... | 1 | 2 | ... | 2 | ... | 1 | 1 | 1 | 2 | ... | ... | 4 | ... | 13 |
| | Hindu | ... | 1 | 4 | 1 | 1 | ... | 2 | 2 | 3 | ... | 1 | 1 | 2 | ... | 3 | ... | 1 | 22 |
| | Muhammadian | ... | 1 | 1 | ... | 1 | ... | ... | ... | 1 | ... | ... | 1 | ... | 1 | 2 | 1 | ... | 10 |
| | Indian Christian | ... | ... | ... | ... | ... | 1 | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 1 |
| | Domiciled E. and A. I. | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 1 | 1 | ... | 2 |
| * Asstt. Secy. | Sikh | ... | ... | ... | 1 | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 1 |
| | Non-Asiatic domicile | 1 | ... | ... | ... | ... | ... | ... | 1 | ... | ... | ... | ... | ... | ... | 1 | 7 | ... | 10 |
| | Hindu | ... | 2 | 1 | ... | ... | 2 | 1 | ... | 1 | ... | ... | 3 | 1 | ... | 6 | 3 | 2 | 23 |
| | Muhammadian | ... | ... | ... | 1 | ... | ... | ... | ... | ... | ... | ... | ... | ... | 2 | ... | ... | ... | 3 |
| | Domiciled E. and A. I. | ... | ... | ... | ... | 1 | 1 | ... | ... | ... | ... | ... | ... | 1 | ... | ... | ... | ... | 3 |
| * Superintendent. | Non-Asiatic domicile | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 1 | ... | ... | 1 |
| | Hindu | ... | 3 | 5 | 1 | 2 | 3 | 7 | 2 | 4 | 2 | 6 | 1 | 11 | 3 | 2 | 12 | 5 | 75 |
| | Muhammadian | ... | 1 | 2 | 1 | ... | 1 | 1 | 2 | 1 | 1† | 1 | 2 | ... | 1 | 6 | 1 | ... | 21 |
| | Indian Christian | ... | ... | ... | ... | 1 | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 1 |
| | Domiciled E. and A. I. | 1 | ... | ... | ... | 3 | 1 | ... | 1 | 1 | ... | ... | 1 | 1 | ... | ... | ... | ... | 9 |
| | Sikh | ... | ... | ... | 2 | 1 | 1 | ... | 1 | ... | ... | ... | 1 | ... | ... | 1 | ... | ... | 7 |

* The figures indicate the communal composition, as it was on the 30th June, 1943.

† Another Muslim has since been appointed as Superintendent.

‡ A Muslim has since been selected for appointment as Assistant Secretary.

§ A Muslim Under Secretary has since joined the Department.

WAR, INJURIES (COMPENSATION INSURANCE) BILL.

THE HONOURABLE MR. H. TUFNELL-BARRETT (Labour Secretary):
Sir, I move :—

“ That the Bill to impose on employers a liability to pay compensation to workmen sustaining war injuries and to provide for the insurance of employers against such liability, as passed by the Legislative Assembly be taken into consideration.”

Sir, the purpose of this Bill is to ensure that adequate compensation is paid in respect of workmen who are killed or injured as the result of enemy action.

Such cases are not covered by the Workmen's Compensation Act and although some relief is admissible from public revenues under the War Injuries Scheme made under the War Injuries Ordinance, 1941, this relief is not adequate in the case of higher paid labour.

It is not feasible for Government to increase the scale of relief under the War Injuries Scheme or to undertake liability to pay additional compensation to particular classes of employees. It is proposed, therefore, that the obligation to pay such additional compensation as seems necessary should be placed on employers.

The benefits of the Bill apply to all employees drawing more than about Rs. 24 per month and the Bill provides for the payment of compensation roughly equivalent to the difference between what is payable by Government under the War Injuries Scheme and what would be payable under the Workmen's Compensation Act if war injuries had been covered by that Act.

In order to spread the cost of the scheme over employers in all parts of the country and at the same time guard against the possibility of an employer being unable to pay the compensation provided for owing to financial embarrassment or the destruction of his assets or undertakings, the Bill also provides that employers must insure with the Government against their liability to pay compensation.

The insurance will be effected through agents appointed by the Central Government and the premiums will be paid into a Fund which will be administered by the Central Government.

Premiums will not exceed four annas per hundred rupees of the wages bill of the employer in the case of the first payment and will be payable not more than once in each quarter of the year. The amount of the second and subsequent premiums will depend on the amount of compensation paid and the state of the Fund.

If when all payments which have to be made out of the Fund have been defrayed, any balance remains in the Fund, the balance will be constituted into a new Fund to be used by the Central Government for the benefit of workmen.

For the purposes of the Bill, labour or works contractors will be regarded as employers. Contractors who are engaged for periods of one month or less will, however, be exempt from the payment of premiums and compensation, but compensation will be payable from the Fund in respect of the workmen employed by these contractors.

If an employer fails to insure under the provisions of the Bill and compensation becomes payable, Government will pay the compensation out of the Fund and subsequently recover the dues of the employer either with or without a penalty.

The Bill applies to workmen employed by the Crown, but as Government does not insure against its liabilities, no premiums will be payable in respect of Crown employees and compensation will be paid out of general revenues.

The Bill also applies to workmen employed by Federal Railways, but in this case also premiums will not be payable by the Railways unless the Central Government otherwise directs and compensation will be payable out of Railway Funds.

Sir, I move.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab: Non-Muhammadan): Sir, may I know from the Honourable Secretary whether the premium thus paid will be deducted from income-tax while assessing the income-tax. Employers of labour, as we all know, are paying a very heavy taxation and I should like the point to be cleared whether or not the premium thus paid by the employers will be deducted while determining the income.

THE HONOURABLE SARDAR BAHADUR SOBHA SINGH (Nominated Non-official): Sir, in clause 1 (2) of the Bill it is said that it extends to the whole of British India and applies also to British subjects in any part of India, while in the Statement of Objects and Reasons, paragraph 5, it is stated that—

“A provision has also been made to extend the scheme of insurance to employers in States provided that provisions substantially corresponding to the provisions of this Bill are made in that State”.

Sir, I just want to know whether an employer in an Indian State who has got a factory and is recruiting labour from British India will be liable to insure under this Act or he can evade?

THE HONOURABLE MR. H. TUFNELL-BARRETT: Only if there is a corresponding State law.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (United Provinces Northern : Non-Muhammadan): Mr. Chairman, I welcome this Bill, which seeks to provide for the payment of compensation to labour in certain cases. Welcoming as I do the principle underlying the Bill I should like to know whether it has been made applicable to the employees of the Railways owned by Government and other Government services? It may not be necessary in the case of these employees to provide for compulsory insurance but will Government see that the purpose of the Bill is fulfilled in the case of its own employees in an adequate manner? As Government themselves will be the insurers under the new scheme it is obvious that no scheme for the compulsory insurance of the workmen, whom I have referred to, need be required but it is necessary to see that the Government employees, and particularly those of the Railways, derive that benefit which they would have been entitled to had they been employed in the factories and other Services which come within the purview of the Bill. This question was raised by Mr. N. M. Joshi but as the newspaper report of the discussion in the Assembly is very meagre I do not know what reply Government gave on this point in the other House.

THE HONOURABLE MR. H. TUFNELL-BARRETT: I would draw the Honourable Member's attention to sub-clause (3) of clause 3 of the Bill and to the remarks I made in introducing the Bill a few minutes ago. The Bill does apply to workmen employed by the Crown and also to workmen employed on Federal Railways.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Is the Honourable Member referring to the Bill as it has come from the Select Committee?

THE HONOURABLE MR. H. TUFNELL-BARRETT: No, as it has come from the Assembly.

THE HONOURABLE MR. R. H. PARKER (Bombay Chamber of Commerce): Sir, may I say a few words? With the general principle that damage due to war should be compensated I think we will all agree but I personally think that the whole of the compensation ought to be paid by the State and not by the industries concerned. Therefore, I think that sub-clause (3) of clause 3 should apply in general terms to the State in respect of all employees or persons injured in the course of the war and that there should not be any question of the industries paying a premium. It should in fact be paid at the expense of the general revenues and any balance remaining should revert to general revenues and not to any other cause.

Then, theoretically, I do not think it is a very important point, but it is, I think, unsound to legislate and provide by legislation that you raise certain funds for one purpose which can ultimately be diverted to a different purpose. In principle I disapprove of that. On the other hand, the amount involved is limited and small, so I have nothing more to say.

***THE HONOURABLE MR. HOSSAIN IMAM** (Bihar and Orissa : Muhammadan): I should like to know the reason which prompted the Government to reduce the amount of compensation payable under this Act from the amount that was payable under the Workmen's Compensation Act of 1923? The amounts that are payable for injuries as well as for disability have been substantially reduced from the amounts to which a workman was entitled under the Compensation Act. His death will be as much a calamity to his family whether he dies through neglect on the part of the industry and anything else or from enemy action. How has the Government evaluated

it and found that death by enemy action is less of a calamity than death from ordinary causes ? I am referring to clause 5—Amount of compensation.

THE HONOURABLE MR. H. TUFNELL-BARRETT : The compensation payable under the Bill is based on the difference between what is payable under the War Injuries Scheme and what would have been payable under the Workmen's Compensation Act had that Act applied to such cases.

THE HONOURABLE MR. HOSSAIN IMAM : Will he get compensation twice ?

THE HONOURABLE MR. H. TUFNELL-BARRETT : He will get the difference between the compensation payable by Government under the War Injuries Ordinance which is already in force and what he would have got under the Workmen's Compensation Act had that applied to war injuries.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : My question has not been answered by the Honourable Secretary.

THE HONOURABLE MR. H. TUFNELL-BARRETT : I understood the Honourable Member to inquire whether a rebate of income-tax would be admissible on the premiums paid under the Scheme. The answer is in the affirmative.

THE HONOURABLE THE PRESIDENT : Motion moved :—

“ That the Bill to impose on employers a liability to pay compensation to workmen sustaining war injuries and to provide, for the insurance of employers against such liability, as passed by the Legislative Assembly, be taken into consideration ”.

Question put and Motion adopted.

Clauses 2 to 21 were added to the Bill.

The Schedule was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. H. TUFNELL-BARRETT : Sir, I move :—

“ That the Bill, as passed by the Legislative Assembly, be passed.”

The Motion was adopted.

STATEMENT OF BUSINESS.

THE HONOURABLE SIR MAHOMED USMAN (Leader of the House) : Sir, the only item of business which now remains is the Delhi University (Amendment) Bill. As it is not possible to anticipate when the Bill will be passed by the Legislative Assembly, I would request you, Sir, to adjourn the Council to a date to be intimated later by circular.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : (United Provinces Northern : Non-Muhammadan) : Can the Honourable the Leader of the House give us any rough indication of the time when the Bill may come up to this House ?

THE HONOURABLE SIR MAHOMED USMAN : I am sorry, Sir, that it is not possible to add to what I have said.

The Council then adjourned to a date and time to be notified by circular.

COUNCIL OF STATE -

Wednesday, 25th August, 1943

The Council met in the Council Chamber of the Council House at Half Past Five of the Clock, the Honourable the Chairman (The Honourable Sir David Devadoss) in the Chair.

MEMBER SWORN :

The Honourable Mr. Dharendra Nath Mitra (Nominated Official).

BILL PASSED BY THE LEGISLATIVE ASSEMBLY LAID ON THE TABLE.

SECRETARY OF THE COUNCIL : Sir, in pursuance of rule 25 of the Indian Legislative Rules, I lay on the table copies of the Bill further to amend the Delhi University Act, 1922, which has been passed by the Legislative Assembly at its meeting held to-day.

DELHI UNIVERSITY (AMENDMENT) BILL.

THE HONOURABLE THE CHAIRMAN (The Honourable Sir David Devadoss) : I should like to know whether the House has any objection to my suspending rule 94 and taking up consideration of the Bill on Friday morning ?
(Honourable Members agreed to the Bill being taken into consideration on Friday.)

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (United Provinces Northern : Non-Muhammadan) : What about the amendments that may be proposed ?

THE HONOURABLE THE CHAIRMAN (The Honourable Sir David Devadoss) : Will the Government object to receiving notice of amendments up to Friday morning ?

THE HONOURABLE SIR JOGENDRA SINGH : No, Sir.

THE HONOURABLE THE CHAIRMAN (The Honourable Sir David Devadoss) : Then I think those who want to move amendments may give notice of the same, if possible, before tomorrow evening. But if a few are left over, notice may be given on Friday morning before we meet. Will that be sufficient ?

(Honourable Members agreed to the suggestion made by the Chair.)

THE HONOURABLE THE CHAIRMAN (The Honourable Sir David Devadoss) : I think consideration of the Bill may be taken up on Friday morning at 11 A.M.

Before I adjourn the House I have got a duty to perform. Before the Honourable the President left Delhi, he particularly requested me to inform Honourable Members of the House that he was obliged—in fact he had no other alternative—to leave Delhi on account of very pressing private business and that he wanted the House to understand that he did not neglect his duty as President or treat the House without due consideration. I hope Honourable Members will accept that as sufficient excuse.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan) : Sir, I have given notice of an Adjournment Motion now so that no objection might be taken that I did not raise the matter before the House at the earliest opportunity. I wish it may be taken up on Friday.

THE HONOURABLE THE CHAIRMAN (The Honourable Sir David Devadoss) : The consideration of the notice of Motion—whether it is in order or not and other circumstances—will be taken up on Friday morning.

The Council then adjourned till Eleven of the Clock on Friday, the 27th August, 1943.

COUNCIL OF STATE

Friday, 27th August, 1943.

The Council met in the Council Chamber of the Council House at Eleven of the Clock, the Honourable the Chairman (The Honourable Sir David Devadoss) in the Chair.

MEMBERS SWORN :

The Honourable Mr. John Philip Sargent (Nominated Official).
The Honourable Mr. Satyendra Nath Ray (Nominated Official).

DEATH OF THE HONOURABLE SIRDAR NIHAL SINGH.

THE HONOURABLE THE CHAIRMAN (The Honourable Sir David Devadoss) : Honourable Members, before we proceed with the business of the day, it is my painful duty to inform you of the death of one of our respected members, namely, the Honourable Sardar Nihal Singh. He belonged to a very distinguished family. Though his family was a Punjab family, his family was given an estate in the United Provinces for very eminent services rendered during the Mutiny. Afterwards that family settled in the United Provinces and Mr. Nihal Singh himself had a distinguished career. He was a member of the Improvement Trust of Lucknow and in many other ways he rendered very good public service. In this House, as you know, he was a nominated member from February, 1937 and he has been with us for more than six years. He was a perfect gentleman, well versed in so many things; he was a very distinguished scholar and he always spoke and did what was right. It is our duty to send our condolences to the bereaved family and I hope you will agree with me in sending them to his family.

THE HONOURABLE SIR MAHOMED USMAN (Leader of the House) : I beg to associate myself with what you have said, Sir. It is a matter great of sorrow to us that one of our colleagues has passed away.

THE HONOURABLE SIR JOGENDRA SINGH (Education, Health and Lands Member) : Sir, in the death of Sirdar Nihal Singh I have lost a personal friend. He was a great sportsman and a great gentleman. He came from the ancient family of Atari and he upheld the traditions of this great family, loyalty and devotion. I mourn the loss of a very sincere and old friend.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (United Provinces Northern : Non-Muhammadan) : Mr. Chairman, those of us who belong to the United Provinces have learnt the news of Sirdar Nihal Singh's death with particular regret. All of us had known Sirdar Nihal Singh for a number of years. He was an excellent friend and his modest exterior concealed genuine ability. He was a well educated man and was willing to prove himself a friend indeed by helping his friends in need. It is a great pity, Sir, that such a man should have passed away and it is but right that the Council should convey its sympathy to the relatives of the deceased.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan) : On behalf of my Party I wish to associate myself with the remarks of Pandit Kunzru. We remember the last action of his in the last session. He moved a Resolution for the uplift of the agriculturist, the backbone of the country.

THE HONOURABLE NAWABZADA KHURSHID ALI KHAN (Nominated Non-official) : Sir, I associate myself with the remarks made by you and other Honourable Members on the sad death of Sirdar Nihal Singh.

THE HONOURABLE THE CHAIRMAN : I will direct the office to send condolences to his family.

NOTICE OF MOTION FOR ADJOURNMENT.

THE HONOURABLE THE CHAIRMAN (The Honourable Sir David Devadoss) : I have received notice of an Adjournment Motion from the Honourable Mr. Hossain Imam. As at present advised, I think it offends against rule 12 and I would ask him to explain how he can move this, because it combines two things. I will read the notice of Motion, so that the House may understand the objection.

THE HONOURABLE THE CHAIRMAN: The Motion refers to two things: (1) the failure of the Government of India to get gold from His Majesty's Government, and (2) the alleged sale by the Reserve Bank of India of gold on behalf of the British Government. Under rule 12 the right to move an adjournment of the Chamber for the purpose of discussing a definite matter of urgent public importance shall be subject to the following restrictions, namely:—

(i) not more than one such Motion shall be made at the same sitting;

(ii) not more than one matter can be discussed on the same Motion, and the Motion must be restricted to a specific matter of recent occurrence.

I would, therefore, ask the Honourable Member to say how he gets over this sub-rule (ii) of rule 12.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan) : Mr. Chairman, as a matter of fact both the things, though they may appear to be disjointed, are links of the same chain. The fact is that gold is being sold by the Reserve Bank. We are informed, I cannot say officially, but unofficially, that it is His Majesty's Government's gold.

THE HONOURABLE THE CHAIRMAN: I do not want you to justify your Motion by going into its merits—

THE HONOURABLE MR. HOSSAIN IMAM: The sale on behalf of His Majesty's Government is taking place. Now the result is that the profits, I mean the difference between the English and Indian prices, goes into the pockets of His Majesty's Government.

THE HONOURABLE THE CHAIRMAN: Honourable Member, we are not concerned with the merits. I have raised a preliminary objection under sub-rule (ii) of rule 12. Well, you have to show how you can get over that sub-rule, how you can combine two things.

THE HONOURABLE MR. HOSSAIN IMAM: They are links of the same chain. I mean the sale of gold is taking place. I say that the sale should take place to the Government of India and not to the Indian public. This is how I join both these matters. If His Majesty's Government have any gold to sell they should sell it to the Government of India and not to the Indian people.

THE HONOURABLE THE CHAIRMAN: Well, I regret I cannot accept the contention of the Honourable Member and as the Motion offends against sub-rule (ii) of rule 12 I disallow the Motion.

DELHI UNIVERSITY (AMENDMENT) BILL.

THE HONOURABLE SIR JOGENDRA SINGH (Education, Health and Lands Member) : Sir, I rise to move:—

“That the Bill further to amend the Delhi University Act, 1922, as passed by the Legislative Assembly, be taken into consideration.”

It is not my intention to dwell today on the detailed proposals of this Bill which have been under close and critical examination in the other place. The fundamental educational principles however which find sanction in this Bill have not been challenged; the controversy ranged round other aspects which have no direct relation with education. As light dispels darkness, so differences and distinctions disappear where the light of knowledge shines. I am full of hope that the cordial co-operation between the colleges and the University and between communities will follow as higher education escapes from the eclipse which has been shadowing its light.

The main object of this Bill and of the reorganisation scheme, with which it is intimately connected, is to create in Delhi, the capital city, an All-India University of the first rank, which will set a standard for other universities to follow.

Nor one would deny that the Delhi University five years ago was not what its founders intended it to be, a University worthy of the capital city of the Indian Empire. No advantage had been taken of the magnificent estate which had been handed over to the University by Government. The colleges were ill-housed, excellent sites allotted to them were still vacant. The general conditions of service and salaries which were offered to the staff were not attractive enough to secure the best type of teacher. The University itself was without a suitable building.

I rejoice that there was a crystallisation of ideas on the subject of university reform. It was held that it would be in the public interest to establish in Delhi a

University of the first rank ; a real seat of learning. Sir Maurice Gwyer, the Chief Justice of India, whose love of learning attracted him to the University was ready to give all his spare time to the cause of higher education in India. What the Delhi University owes to his knowledge, vision and enthusiasm it is not for me to describe. We know that it is on sound education that the destiny of every nation chiefly depends. It has been Sir Maurice Gwyer's endeavour that those who serve their apprenticeship of life in Delhi University should learn the art of living ; be given a sense of proportion and wisdom to make the best of this imperfect world. Sir Maurice Gwyer has held the office of Vice-Chancellor of Delhi University since December, 1939. It is significant of his devotion to the interests of the University that although his term of office as Chief Justice has expired, he is staying on in this country in a purely honorary capacity simply and solely to see that the great work to which he has put his hand is firmly established.

I will not refer to the details of the scheme which he produced and the Government of India approved for making Delhi University an All-India institution in which specially those subjects, which have a direct or indirect bearing on the art of government, would be studied under the most favourable conditions ; above and beyond the range of barren and sterile currents which promote divisions and distinctions.

The most important feature of the reforms is the substitution of the three-year degree course for the two-years intermediate course and two years degree course which is the normal system in all universities today. I am amazed to hear this step, recommended by all authorities, is regarded in some quarters as a retrograde step. Perhaps it is not known that originally the Sadler Commission recommended the change in 1919. In 1935 the Inter-University Board approved of it and it was endorsed by the Conference of Indian Universities in 1939. The Central Advisory Board of Education supported the recommendation. Incidentally the Universities Organisation Commission set up by the United Provinces Congress Government in 1938 approved of it.

It may be asked why with all this weight of authoritative opinion behind it, the change was not put into operation so long. It may be partly due to the fact that universities all over the world are notoriously slow moving and when vested interests are linked with natural inertia the obstacles to change are greatly strengthened. I believe the main difficulty is inherent in the issue as it requires the reorganisation of the high school system, so that it may absorb the whole or part of the work now done in intermediate classes and set universities free to concentrate on their proper function, namely, teaching of degree standard. The advantages of such a change are obvious. It will give the high schools a higher standard of scholarship and better qualified teachers ; it will give the universities better prepared and generally more mature students. I do not under-estimate the difficulties particularly in areas where the high schools run into thousands, and geographical, communal and other considerations have to be borne in mind as well as finance. But the change must come in my opinion before long, and in Delhi, where the reorganisation problem presents no insuperable difficulties. In overcoming them we will show the way to all the other universities. The reorganisation of Delhi University acquires an All-India significance. The principal aim of this Bill is to give legal sanction to the reorganisation scheme.

For reasons I have given, I regard it as an educational experiment of great value. I believe that what is now being done in Delhi is watched with sympathetic interest and perhaps even with envy in university circles up and down this country. Once we have proved that it can be done, we shall not have to wait long for its adoption by other universities.

Finally, may I assure the House that the changes which we have introduced have no other object but to improve the efficiency of the administration of the University, to give the staff a sense of security, to bring the colleges in healthful surroundings and to create a spirit of helpful co-operation in an atmosphere in which a search for truth may prevail.

[Sir Jogendra Singh.]

I can say in the words of Hafiz :—

“ Dip deep in the vat of wine

The prayer mat.

If the dispenser of the drinks says,

For the pilgrim is not unacquainted ;

With the stages of the journey and the rules of the road ”.

Sir, I move that the Bill be taken into consideration.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan) : Sir, may I make the Circulation Motion first, so that both the Circulation Motion and the Consideration Motion may be considered together? I have given notice of it : it is the first in the list of amendments. I will formally move it ; I will not make a speech now.

THE HONOURABLE MR. SHAVAX A. LAL (Nominated Official) : Sir, the Motion for Circulation is, according to the practice of this House, out of order. I will read out a ruling given to this effect in 1937. The Motion then was that the Bill be circulated for the purpose of eliciting opinion thereon. The Honourable the President then ruled as follows :—

“ As Honourable Members are aware, there are several rulings on this point that in the Second Chamber it is not usual to make a Motion for Circulation of a Bill.....In 1932, my predecessor, Sir Henry Moncrieff-Smith, gave a ruling. In 1934, on two occasions, I had to deal with similar Motions. It is not necessary for me to go into all the previous rulings today, both as regards circulation and reference to Select Committees, but for the benefit of the new members of this House I shall refer to only one ruling of mine—the last ruling—on the subject in 1934 when this point was raised. I might as well read what I said then, because that will save me the trouble of repeating the same arguments.....”

The Chair then discussed the point, and ruled the Motion for Circulation out of order.

THE HONOURABLE MR. HOSSAIN IMAM : Will the Honourable the Secretary refer to the occasion when this ruling was given? And on what date?

THE HONOURABLE MR. SHAVAX A. LAL : This was in February, 1937. The Honourable Member can find out the details by referring to Volume I of the Council of State Debates for that year. I have only read out the extract of the ruling.

THE HONOURABLE MR. HOSSAIN IMAM : May I submit that the ruling was given in a case which was not similar to the present one?

THE HONOURABLE MR. SHAVAX A. LAL : It was based on principles.

THE HONOURABLE MR. HOSSAIN IMAM : There is no rule ; it is only practice.

THE HONOURABLE MR. SHAVAX A. LAL : It was the ruling of the Chair.

THE HONOURABLE MR. HOSSAIN IMAM : It is not based on a rule. The rule permits a Motion for Circulation when a Bill has not been circulated. If a Bill has been circulated in the Lower House, then we cannot again ask for circulation in this House. There cannot be two Circulation Motions. The case here is that there has been no circulation in the other Chamber. Therefore, a Circulation Motion in this House is in order according to the rules.

THE HONOURABLE MR. SHAVAX A. LAL : Precedents are as binding as rules.

THE HONOURABLE THE CHAIRMAN : As regards the objection taken by the Honourable Mr. Lal, I think I must allow it, for the simple reason that there are so many precedents in which such a ruling has been given, not only by our present President, but also by his predecessors ; and in view of the practice followed in this Honourable House, I do not think that I can go against the convention which has been observed here. I therefore disallow the Motion.

THE HONOURABLE SIR RAMUNNI MENON (Nominated Non-official) : Sir, this is one of those rare occasions—as far as my memory goes, this is the first occasion during the last ten years—when we have a matter of first-rate educational importance brought before us for our consideration. I am sure that this Council, which includes among its members persons who have taken very great interest in education, will give a very full and thorough consideration to all the main aspects of this important measure. Speaking for myself, I confess that my knowledge of who is who and what is what in the Delhi University is extremely meagre. But there are main aspects and general issues, connected with this Bill which can be profitably discussed without a knowledge of local details. My long connection with

my own University in Madras, which I must mention physically ceased a good long while ago, and the deep attraction which university matters have always had for me prompt and encourage me to say a few words on certain salient features of this Bill. And here I should like to strike a personal note. While the remarks which I shall offer may seem highly critical—and some of them may be really critical—they will be offered not in any destructive spirit but with the sole purpose of helping the cause of educational advancement in this country which we have all at heart.

Sir, we are told that the immediate occasion for this Bill is the need for making provision for carrying out the scheme of reconstruction of the Delhi University, a scheme prepared by its present able Vice-Chancellor and approved by the Government of India. I must express my special appreciation of the speech of the Honourable Member in charge because, for the first time, as far as my recollection goes, it gave a clear indication of the scope and purpose of the scheme of expansion. I am particularly glad to note this because from the speeches made in the other place by Government spokesmen one could not have gathered the general outline or the component proposals of this large scheme of expansion. I shall come to this point presently.

An adequate and up to date University for Delhi is not only highly desirable but absolutely necessary and any scheme for bringing such a University into fruition will receive the cordial support of all people. Here I must express my admiration for, and appreciation of, the successful efforts which the Honourable the Educational Commissioner, whom we are all glad to see here today, has made in extracting the necessary funds in these hard times from the tight-fisted Government of India. I wish him continued success in that line in which he seems to be a great specialist. I wish he would screw out as much money as possible from the Government in furtherance of the scheme.

And now I must come to a very important point, at any rate a point which strikes me as very important. I have no vivid recollection of the scheme for the reconstruction of the Delhi University. I remember having read a few years ago, a memorandum on the scheme prepared by the present Vice-Chancellor, but my memory has become rather hazy; and that is why I was particularly pleased to hear the remarks which fell from the Honourable Member in charge, because those remarks go to strengthen the recollection that I have of the scope and purpose of the scheme. As far as I know, the scheme is a very ambitious one. It aims not only at providing an adequate University for Delhi but at creating an All-India institution of first-rate importance, out-moding and out-shining all the Provincial Universities that exist today. The scheme contemplates not only the institution of a central place where Arts and Sciences are studied, but the incorporation in due course of technical and professional institutions of the highest grade. I hope I have not in any way exaggerated the scope of the scheme or travestied its purpose. If my estimation is correct, it raises a very important point. At a time when there are vast areas of ignorance, illiteracy and superstition, stretching across the educational landscape of this country, which it should be our immediate object to reclaim and bring under the educational plough, to me it seems that the expenditure of the taxpayer's money on an ambitious scheme of this kind is absolutely unjustifiable—

THE HONOURABLE SIR JOGENDRA SINGH : You mean on higher education ?

THE HONOURABLE SIR RAMUNNI MENON : No, Sir. On having a University of the magnitude which you apparently, as far as I remember, contemplate under the scheme, I am out and out for having a University imparting higher education for Delhi. But that is entirely a different matter.

THE HONOURABLE SIR JOGENDRA SINGH : Your point is that the taxpayer's money should not be spent on a single institution ?

THE HONOURABLE SIR RAMUNNI MENON : I shall explain. We want a University, just like any other Provincial University, serving the needs of Delhi. But to have an All-India University of the magnitude and character and for the pose that you contemplate, is an entirely different matter.

Now, Sir, if the intention of the Government is to implement a scheme of such magnitude, I suggest that it is only fair that the scheme should be circulated to the

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Provincial Governments and the Provincial Universities of this country for an expression of their opinion. The days of the white elephant are gone and I trust that the Government of India will not allow its sense of imperial grandeur to eclipse its sense of proportion. I hope that the Government of India will think ten times, nay, a hundred times, before making grants out of the taxpayer's money for the rearing and maintenance of a white elephant in the Imperial capital, though it may be dressed in academic robes of the greatest distinction.

Coming to the Bill itself, it is obvious that the central feature of this Bill is the provision of a three-years' degree course. This is a matter which, I think I am right in saying, has already received the general approval of educationists in this country. In any case, educationally it is a perfectly sound proposition and its practicability in any particular area will entirely depend upon the facilities available in that area. I am glad to find that in Delhi, mainly through the efforts of our Educational Commissioner, the University and the educational authorities have been able to secure the necessary funds and to reorganise their system of school education which will have to be made to fit into the new scheme of university education. In such circumstances, or wherever a university can start with a clean slate, I think the scheme of a three-years course is well worthy of trial. I hope they will proceed with the scheme in Delhi and I wish the scheme and the University all success. One of the practical consequences of introducing a new scheme in a University which is only one out of many in its country is the difficulty of providing facilities for migrating students. I am aware that this aspect has been thoroughly discussed in another place, and I particularly appreciate the friendly and conciliatory tone of the remarks which fell from the Honourable the Educational Adviser. A friendly and conciliatory mode of approach to the other universities is far more likely to secure the desired object than threats of retaliation which seem to have been referred to in the other place.

Now, I come to some of the other main features of the Bill, and first the appointment of the Vice-Chancellor about which criticisms were made in the other place. The practice in regard to this appointment differs in different universities and I think the statement which I saw the other day—it was made by somebody, I forget now by whom—that about eight universities in India have paid Vice-Chancellors is correct. I think in a new university or a university which is going to embark upon a very complicated scheme of reorganisation it is absolutely necessary to have a whole-time salaried Vice-Chancellor, and the more so in a teaching University which the Delhi University is going to be. I do not think, therefore, that there will be any serious difference of opinion on this question. The only point that might arise, that has in fact arisen, is about the mode of selection of the Vice-Chancellor. The procedure differs in different universities. In Madras the Vice-Chancellor is practically elected by the Senate which corresponds to the Court here. There is no intermediary between the Senate and the Chancellor. The Chancellor appoints one out of three nominated, that is to say, elected, by the Senate. The Chancellor invariably appoints the first and the system has worked very well in Madras. But I can well imagine that that is a procedure which will not be perfectly suited to other universities where the academic atmosphere may be different. Apparently the Court here is not a supreme governing body. It seems to share the function of government with the Executive Council. In any case at present the power of making a recommendation for the Vice-Chancellor's post rests with the Executive Council and I think the amending Bill has made a provision which entails the least departure from the existing arrangement and as such I think it should be accepted. The alternative to my mind is not to leave the power of recommendation to the Executive Council but to leave it to the Court. That evidently is impossible here. Therefore I think the proposal contained in the amending Bill is satisfactory.

Now I should like to say a word about the Executive Council, which we call the Syndicate in Madras. I am not at all suggesting that either in composition or in legislation the same model should be followed by all the universities in India. I recognise that academic atmosphere is as liable to change as the physical atmosphere in this country, and conditions are obviously different in different universities. Therefore I am not an advocate of absolute uniformity of legislation or practice.

in universities. Looking at the composition of the Executive Council, the first thing that strikes me is its unwieldiness. It is far too big—at least so it appears to me—for a small University like Delhi. In Madras where we had about 40 colleges covering a huge territory we have a Syndicate of 19 and we had that same Syndicate when we had more than 60 colleges at one time. And for a small area like Delhi with, I believe, seven colleges, a Syndicate of 26 looks unnecessarily large. How it came to be 26 I do not know. But it is always the case—once you start a thing there is no going back on it in the way of reducing its numbers. You can only add to the numbers and that is precisely what is taking place now. I believe you had a Syndicate of 24 which you have now increased by adding two more. Anyhow it appears to me that it is far too unwieldy.

There is another matter which will be of some interest to members here. I see that the Executive Council has been increased for providing a seat for the professorial staff. It is interesting to note that in the Madras University Act there is a provision that no whole-time professor or teacher of the University shall be a member of the Syndicate. You may say that it is not a teaching University. It is, as a matter of fact, to a certain extent a teaching University. I will give you another instance. There is a teaching University which I know, but which I shall not specify, where provision similar to what you propose exists; not only can professors be elected but actually the Deans are ex-officio members as they are here. That University's experience to my knowledge has not been very happy. There is no reflection at all on the professorial staff of the University in this observation. The functions of the Executive Council and the professors are entirely distinct and different. All professors and in fact all chief teachers of the University should be on the Academic Council. The chief elements in the teaching staff should also be on the Court, that is the supreme governing body. Their inclusion on the Executive Council is a matter on which there will be difference of opinion. I am only referring to the position in Madras so that you may have some knowledge of what obtains elsewhere.

Some comment has been made in the other House about the nomination of members of the Syndicate. I do not think at this stage of progress in this country any useful purpose will be served by propounding theoretical views. Nomination, election—these are subjects on which much has been said; but I am firmly convinced that, in various spheres of activity in this country the system of nomination provides a satisfactory channel for redressing grievances, for securing representation of people which would otherwise have never been secured, and for various other salutary purposes. I therefore consider, whatever politicians may say about nomination, that the method is sound and ought to be retained.

I come now to another important aspect. This is also a matter which has already received consideration in the other House. The affiliation and disaffiliation of colleges, or as you call it here, the recognition and withdrawal of recognition of colleges, are very important matters in a university. They may be matters of life and death to a college. I am not very much concerned over the provision for recognition, I am rather concerned about the provision for withdrawal of recognition which is contained in your amended Statutes. Cursorily, looking through these Statutes of the Delhi University I was struck by the remarkable facial resemblance between the Delhi Statutes and those of the Madras University; so much so that I rather suspected a Madrasi parentage for the Delhi Statutes. I do not know whether my suspicion is well founded or not. But the resemblance in the Statutes regarding disaffiliation is so close that one is tempted to consider the result of the change which is now embodied in the amendment. In Madras if a college has to be disaffiliated, you make an enquiry. You give notice to the college. You get its report. You place all these papers before the Academic Council and with the recommendation of the Academic Council you place the whole thing before the Court and the Court decides, that is the Senate. Now that, I consider, is a very fair proceeding. It safeguards all legitimate interests of the Syndicate, the University. At the same time it prevents any liability to bias or prejudice on the part of the Syndicate in regard to the college and at the same time it inspires public confidence not only among the people generally but among those specially interested in education. Now the ostensible reason for changing the Statute here is that as the Statute now stands the Court has to pass a special Statute.

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either granting recognition or withdrawing recognition. I beg to suggest that the existing Statute could be amended suitably by making certain verbal changes and at the same time the procedure described in the Statute could be retained. There would then be a certain safeguard for the college. I do not know whether any case has arisen in this University about the withdrawal of recognition.

THE HONOURABLE MR. P. N. SAPRU (United Provinces Southern: Non-Mahammadan): What change would you recommend in the Statute?

THE HONOURABLE SIR RAMUNNI MENON: Nothing at the moment, but the Court can change the Statute. I would retain the power to the Court of making a recommendation on the papers submitted. Let the Syndicate be in possession of all the facts, including the recommendation of the Court and then come to its decision. Then there may be an appeal to the Chancellor. I am afraid I cannot answer in any detail such a specific question as has been put to me.

I think I have covered much of the ground, practically the whole of it, which I wanted to cover in regard to the Executive Council. Now I come to another aspect which to my mind is a very important aspect, namely, the need to secure proper academic conditions for the success of the reorganisation scheme. I think everybody will admit that however adequate and efficient your machinery may be, it cannot work satisfactorily without the full and hearty goodwill and co-operation of all the people interested and concerned. Without the active support of the educational authorities, the teachers, the students and all members of the University bodies and the public generally, the Delhi University experiment is not likely to succeed.

Now what have you done to secure such co-operation? I think the Muslim community—a very important community in Delhi—has made its position perfectly clear in the other place and I expect it will be made equally clear in this Council. A community, or it may be an important section of a community—whenever such bodies put forward their grievances, it is a fashion to say that it is all communalism; we won't look at it. Now I do not know what communalism means in the discussions that are taking place in this country, but I hope that if any future lexicographers are collecting material, which I am sure the various disputants in this country are providing for giving a proper definition of "communalism" in a post-war edition of the Oxford dictionary, I am sure we shall all be surprised to find, if we live to that day, that the word "communalism" as interpreted by an impartial observer will not convey that sinister implication which we all very pleasantly attach to it. (*Hear, hear.*)

Now, a general remark which one often hears is that in education we cannot have any communalism. Well, I confess that what I am going to say will shock my educational colleagues, and will be a greater shock to my Hindu colleagues; nevertheless I will say it.

THE HONOURABLE MR. P. N. SAPRU: Nothing that you say shocks them!

THE HONOURABLE SIR RAMUNNI MENON: How does this plea that we cannot have communalism in education fit in with the actual facts?

12 Noon.

Am I exaggerating when I say that if you want the quintessence of of communalism you cannot find better examples than the Benares and the Aligarh Universities in this country? Take Madras. There, there is a Government order, known as the Communal G. O., which prescribes a certain rotational arrangement for recruiting to the public services. That G. O. applies to all the Government educational institutions quite as much as it does to other departments. We have temples of learning in Madras, some of the finest temples, and there this system prevails. Take the Madras University Act. Under that the Chancellor nominates 30 persons, out of whom 20 are specially nominated to secure the adequate representation of minorities. Now, if this is not communalism, I do not know what is communalism. And I am glad to note that after all their protestations the Government have made a similar provision in the present Bill. As far as I remember, 14 out of 24 will be nominated to secure communal representation.

AN HONOURABLE MEMBER: Fifteen.

THE HONOURABLE SIR RAMUNNI MENON: Well, if you can put up with these facts, why keep up the pretence that we cannot have communalism in education? We have communalism. It is there already. Whether you admit it or

not, it is there. My whole point is this. Times have changed very much in this country. Unless you reconcile the ideals and aspirations of all the communities—minorities, majorities, sections of communities, and so on—you can never secure the conditions for a satisfactory settlement of the question. I am stressing this point particularly with reference to the Delhi University. I do hope that the Government will review the whole situation before long and take whatever action they can—through persuasion, administratively, and, if necessary, by further amending Bills—to redress the grievances, which, as far as I can gather from the speeches made in the other place, are substantial, of the various communities in Delhi.

On the other hand, I do hope that the Muslim community, which has put up such a bold fight, will accept the Act as it now stands and will give its wholehearted support and co-operation in furtherance of the scheme. I believe the present Vice-Chancellor is a very great asset to the Delhi University, and it will be a very great pity if he is not allowed to develop the scheme that he has so much at heart to the fullest extent before he gives up his job.

Sir, I have spoken at some length on certain points, but I would like to say, before I sit down, that while I have expressed my disagreement with certain views of the Government, I shall not be prepared to support at this stage any amendment which will either delay the Bill or throw it out, because if an amendment is carried here, it will mean either killing the Bill or keeping it in suspended animation till the next session. I shall not be a party to that.

With these few observations, which, I again assure the House, have all been made with the best intention, I give my general support to the Bill.

*THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan) : Mr. Chairman, the Bill before the House may not be of very great importance to the Government, and may not be a matter of very great interest to my Hindu friends ; but unfortunately—(*Interruption*) I am saying that it may not be of very great importance to the Hindu community—but to us, because of the fact that the Government have given this University a colour of being the model university, the central university, the type of university for all others to copy, it is a Bill of fundamental importance to the future education of the Mussalmans in India. Had it been a subject of interest to Delhi alone, I do not think we would have taken so much of the time of the House and made so many objections to its provisions.

Sir, the ex-Vice-Chancellor of the Madras University has spoken before me. His knowledge of university administration is unique. I come, after him, with total ignorance of the subject and, therefore, I hope that the House will show me the indulgence of hearing a novice on the subject.

The first point which strikes me in considering this Bill is that the Government of India is moving in a backward direction. We were supposed to be living in a more democratic age in 1943 than we were in 1922. But in 1922 the original Delhi University Bill was referred to a Joint Select Committee of the two Houses. As a reward of the constant support, the unreasoned support, which this House has always given to the Government, this present Bill was not referred to a Joint Select Committee. This is the reward of constant support. A further measure of the disregard of this House is that we are asked to consider a Bill of such great importance when the Assembly has concluded its session, with the result that the Government of India is forced to refuse every amendment, however reasonable it might be, because otherwise the Bill may not become an Act owing to the fact that the Assembly is not in session. This is a reprehensible practice of the Government, that important measures like this should come to this House at a time when it is impossible for the Government to accept amendments. It reduces the discussion in this House to a farce, to an unreality. We are here doing theatrical things. There is no sense in anything that we are doing. We are faced with an *impasse*. Why do this ? Is this the reward for the constant support which this House has given ?

Sir, this Bill tries to over-ride the considered and well-documented recommendations of the Sadler Commission Report. The Sadler Commission's Report was the

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the last word which the Government of India had on the subject of university education prepared in the manner and methods which are prevailing in democratic countries. But the Government of India may pose as a democratic body. It may even say in so many words that it follows democratic principles. But its actions remain autocratic and, if I may be excused for saying so, senseless—marrying in haste and repenting at leisure. Even yesterday we had a discussion on this subject of hasty legislation of the Government of India in a very important and impartial place, the Federal Court of India. This matter was discussed in connection with the Ordinances and it was pointed out that whereas Acts of the Legislature are the results of deliberation and mature thinking, the Ordinances and Acts of the Governor-General are anything but that. Here we have a peculiar example of the same kind of hurried action. I do not know—perhaps the Honourable the Member for Education, Health and Lands might be able to enlighten us if the Official Secrets Act permit him to do so—what is the Government of India? The Government of India, Sir, is a very elastic term. It may be said to be the decision of the Governor-General with the concurrence of the majority of his Executive Councillors. But any and every decision, coming down to a decision of an Assistant working in the office, can be said to be the decision of the Government of India. It depends on the Rules of Business what kind of action is referred to as the decision of the Government of India. This decision of the Government of India to bring forward a Bill of this nature was conceived not now, but long ago. I have chapter and verse for it. From the statement made by the Honourable Mr. Tyson in the other House, we know that the matter was first considered when Mr. N. R. Sarkar was the Member in charge of Education, Health and Lands. There was some sort of conference then. We all know that our present Member for Education, Health and Lands took charge about a year ago. We may therefore very safely conclude that this idea has been before the Government for now more than a year. As a matter of fact, those of us who take any interest in this matter know that the present Vice-Chancellor, the ex-Chief Justice of India, had been very persistently trying to bring forward a three-years' degree course in the University for the last two or three years. This is not a thing which has cropped up all at once by some bright boy of the Government of India. May we ask why, if this question had been so long under consideration, it should have come before the Legislature as late as the 31st of March of this year, and then too in such an immature condition that many of the things which require consideration and consultation are still in the air? Take, for instance, Sir, the question of migration of students from and to the Delhi University. The Honourable Mr. Sargent, speaking on this subject in the other House, was still hopeful that universities may accept it, but he had no acceptance from any other university to place before us. He did not say that he had been in communication and secured acceptance from this University or that. I ask, Sir, what is the hurry for doing this? If you could wait for two years, why could you not wait for a few months more? Even now, Sir, I doubt if the syllabus and full courses of study for the Higher Secondary Examination Board are ready. Probably, the Board of Higher Secondary Education is a creation of the Government of India and not any statutory body. The Government of India can very easily impose a body by their rules and regulations making powers. But it will have to be accepted by all the universities in India, as equivalent to the first year of the university education. What steps have the Government taken to secure the future of the students who pass out after getting the school leaving certificate or whatever it might be called?

The position is that Government, in their usually muddling methods, have an idea of getting this Bill through, without considering the merits and demerits of the measure, with their swell head and full of prestige which does not allow them to consider the thing. I will just give one instance. The Statutes of the University can be made by the University itself. What was the need of bringing all these Statutes before the Legislature? If you had confidence in the Court and the Executive Council, the proper method for you was to get all the Statutes amended through the University itself. But perhaps you did not feel secure. You had no confidence in the Court and therefore you have given forceful feeding through a stomach pump, that is, the Central Legislature. Where there is concurrent

jurisdiction and you have a body of experts to deal with the subject, I personally think, Sir, that it would have been much wiser to get your Statutes revised and amended by the University rather than bring them forward before the Legislature. You have, Sir, in any way queered the pitch by bringing the Statutes. You have lengthened your Bill to great dimensions and it is these Statutes which have really compelled us to bring forward all these amendments, and we are accused of adopting dilatory tactics. Some blind and biased people have been maligning the Muslim League for having taken up this attitude of putting obstructions even in matters academic. But who is responsible for it? It is the Government itself which brought forward all these Statutes. It is not a fact that these Statutes are new ones. Up to No. 17 they were incorporated in the original Act and the rest of the Statutes right up to No. 34 were framed by the University on different dates. I therefore suggest that the primary responsibility for prolonging the session unduly is on the shoulders of the Government itself; because it felt unable to get through these Statutes amended from the University it brought forward these things to over-ride the University authority. I have very great support for this idea of mine. Although we have received a very short note on the opinion of the University, we find that the Court as well as the Executive Council had great differences with the methods which you have adopted. I will instance one point on which the ex-Vice-Chancellor of the Madras University spoke before me, the question of recognition. This is the opinion of the Executive Council :—

"They agree that section 28 (g) refers to the conditions or the general principle governing the recognition of colleges and the withdrawal of such recognition, and not to the executive action or recognition and the withdrawal of recognition. The Statutes should provide the general principles, but the executive action of recognition or the withdrawal of recognition must be by the Executive Council in accordance with the Statutes. They feel, however, that an important executive action like this must be by a substantial majority of the Executive Council; a majority of not less than two-thirds of the members present should, in their opinion, be required. They suggest, therefore, the following :—

"The Executive Council shall have power, by a resolution passed by a majority of not less than two-thirds of the members present, to recognise a college or to withdraw such recognition in accordance with the Statutes and the Ordinances."

This is the opinion, the expert opinion, of the body to whom you are going to give this right. They refused to take it on the terms on which you presented it and when an amendment on these lines was moved in the Legislative Assembly, Government brushed it aside, and on this subject there was unanimity between Hindus and Muslims. Almost all the elected members were in favour of this amendment. Yet this Car of Juggernaut which is immovable by any pressure or force remained adamant and could not accept it, even though that is the expert opinion, legislative opinion and the opinion of the country. Prestige stands in the way of accepting anything which has been decided in its wisdom by the executive authority. Even the Sadler Commission had not recommended that this power should rest in the Executive Council and passed by a bare majority. In most of the universities, Sir, this power is exercised by the Court and I should like also to read the opinion of the Court of the University. I have read the opinion of the Executive Council and Academic Council first. This is what the Court say :—

"The recognition of colleges and the withdrawal of such recognition.—The Court desire to express their views on this point as follows :—

The Court are of the opinion that in view of the fact that the power to recognise colleges is vested in the Executive Council in only two Indian universities (Madras and Nagpur) :—

In two out of 16 universities this power is enjoyed by the Executive Council, in all the rest, viz., 14, it is in the hands of the Court.

"and none other, and that even in these Universities the Court is the supreme governing body of the University, competent to revise the actions of the Executive and Academic Councils, the recognition of colleges should be in accordance with Statutes to be made in pursuance of the provisions of section 29 of the Delhi University Act.

The Court are of the opinion that, inasmuch as in no University in India has the power to withdraw recognition from a college vested in the Executive Council :—

In no university recognition is subject to the Executive Council. But in the matter of withdrawal you are making an innovation, a complete break with the practice of Indian universities. On whose advice? On what basis, on what ground? You explain nothing. And when we ask that the Bill should be circulated, we are charged.

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with adopting delaying tactics, that we want to delay the passing of this beneficial measure. This is the opinion of the Court :—

“The Court are of the opinion that inasmuch as in no University in India has the power to withdraw recognition from a college vested in the Executive Council, the withdrawal of recognition from a college should, as at present prescribed, be effected by amending a statute in accordance with section 29 of the Delhi University Act. The Court are accordingly of the opinion that the insertion of the proposed clause in section 22 of the said Act be not made”.

This is the opinion of the Delhi University, the University which is mainly concerned with it and yet the Government is unashamed, unrepentant and unwilling to accept either the convention which used to be of great value to the Government of India or even the advice of the experts which also is now disregarded because it is now 21 years old—the Sadler Commission is now 21 years old, therefore it is not worth looking at. I ask, Sir, if the Government has any pretence to being a responsible Government, if not responsive, that it should justify its action. On what grounds have you done this. I can discern one thing, that the Government of India want that it should be like Hitler with immense powers to do and undo what it likes and with the Court it could not take this liberty. The Court was not so subservient as they hoped to find the Executive Council. Sir, I did not intend to bring in an academic matter, but I am forced to do so now. The Executive Council of yours is so full of educationists and professors that you feel more secure because of the fact that you are going to pay for their salary. You wish to take away the liberty of the Delhi University by means of these devious methods which you adopt, that powers must rest in a body which is more likely to be subservient to the Government of India than in a body consisting of people who are more independent. And all this thing is done under the guise of a three-years course? What excuse is there for this? If the Delhi University did require an overhauling, I for one would be a supporter of the Government that there should be an overhauling of the University Statutes. But there should be no hole and corner method. You should come out openly. You should place the whole matter before the Indian public and let them state what is the opinion of India on the subject. Why this excuse of a three-year course for bringing forward all these measures? The three-year course is only a convenient peg to hang the Bill on. They thought that by bringing forward this excuse for urgent action they could get anything pass muster because of the fact that the Indian Legislature will not examine the measure as thoroughly as it has done. They were banking, Sir, on the supposition that this Bill will not come through as a non-controversial measure with a very laudable object and therefore it will be subjected to any minute and microscopical examination as has been done in the other House.

I stated, Sir, that I will only cite an example of the methods adopted by the Government of disregarding the public opinion. There are any number of subjects which I shall deal with more thoroughly when I am moving my amendments. There is another instance, which is very important, and which I should like to bring out here in the general consideration. I refer, Sir, to clause (3) of Statute 34—Management of Collèges. This is what the Court have said about it :—

“The Court are of the opinion that inasmuch as Ordinances are made by the Executive Council it would be inappropriate to prescribe, by Ordinances, rules relating to the constitution and powers of the Governing Body of a College and the appointment, powers and duties of the Chairman and other officers of the Governing Body, as the same, it is understood, have been already settled in agreement with the Government of India”.

Now, here is a protest by your own expert body, a body which will have to carry on your University and yet you disregard its opinion. You have no excuse to bring forward why you are making this change—merely the sweet will of the Government of India; the unknown quantity!

Sir, I should now like to refer to things more intimately concerned with our own Party, I mean the Muslim grievances, the reasons why we have opposed this.

Sir, the Sadler Commission was formed to examine not only the Calcutta University—although it was called the Calcutta University Commission—but it went into the whole university educational system of India and it came to

conclusions with regard to the matters concerning the academic as well as communal aspects. In Chapter XLIX on page 215 they refer to the fact that—

"We have sought to safeguard the Muslim position all along the line. In the constitution which we have proposed for the reorganised University of Calcutta we have provided for the inclusion in the Court of representatives of registered Muslim graduates".

Mind you, they wanted a separate electorate, whereas we were content with asking only a joint electorate (*Hear, hear*), and they also said—

"... the Chancellor should have power to nominate a certain number of members for a period of five years of whom 'some might be' representatives of particular communities not adequately represented".

We, Sir, preferred to have organisations which were not Muslim but were predominantly Muslim, like Jamia Millia, the Anjuman Taraqqi-e-Urdu, and other organisations of this nature. We were not enamoured of the nominated elements because they are sometimes, I suppose some of them are, ill-advised or misinformed and they think that it is their duty to take the Government whip.

"In designing the Executive Council of the reorganised Calcutta University we have provided that out of 17 members three at least must always be Mussalmans".

This was the recommendation of the Sadler Commission :—

"While our proposed Academic Council is to include four representatives with educational experience, two at least of whom should be teachers, to be appointed by the Chancellor after report from the Muslim Advisory Board".

Now in every aspect of the university system in that temple of learning where Harijans like Mussalmans are not allowed to enter, the Sadler Commission recommended and not only recommended it but in Dacca University it was given effect to too, and not only that, when the original Bill for the Delhi University Act was placed before the House it had a provision which I should like to read before the House. This is from the Report of the Sub-Committee, Sir, on clause 2 of the Statutes :—

"We have eliminated from this clause the proviso to sub-clause (6) which was designed to secure a certain percentage of Muhammadan members on the Court. We desire it to be clearly understood that our motive is prompted purely by a disinclination to recognise communal distinctions of this nature in statutory provisions. We have no doubt that the Chancellor will consider any deficiency in the representation of any particular community at the time of making his nominations, and will rectify any inequality in so far as he is able. We earnestly hope that Muhammadans will fully participate in the benefits of this University, and that their interest will be represented upon its Bodies".

Now, this was the hope expressed by the Joint Select Committee of the two Houses in 1922 but none but a blind Government, Sir, could have examined the situation for 21 years, which have elapsed since this Bill became an Act. Has this hope been fulfilled or has it been negatived? If these 21 years have proved amply, sufficiently and emphatically that Mussalmans have been shabbily treated or, as was stated in the other House by a Government member, Sir, that the condition of the Mussalmans is deplorable. Anyone with a grain of sense would have thought twice before going on in the way in which they were going on in spite of failure. If a thing is a failure, a wise man changes his course and takes another line of action. This provision was embodied in Statute 2 of the original Bill which was introduced in 1922. That provision ran :—

"the number of persons to be appointed by the Chancellor..... shall be 15 :

Provided that if the number of Muhammadans elected under sub-clauses (2), (3) and (4) is less than one-third of the total number of members elected under those sub-clauses, not less than eight members of the members nominated by the Chancellor shall be Muhammadans".

This was the provision in the original Bill as drafted by the Government, uninfluenced by the Muslim League, 21 years ago, and it was eliminated, not because it was bad, but because of two facts. Unfortunately in the Select Committee two of the members were absent, and the Select Committee was left with only Sir Muhammad Shafi, the Education Member, and one other Muslim member, out of twelve; there was only Maulvi Abdul Kasem as the solitary Muslim representative on the Joint Select Committee.

If you examine the constitution of the Court, the Executive Council and the Academic Council, which were formed by means of a notification of the Governor General in Council and not by ordinary elections, you will find that Muslims were very adequately represented in the original authorities of the University. I should remind the House of the fact as given—I will not read out all the details—in the Delhi University Calendar. Muslims had a very good representation in the bodies as they were originally framed. I shall refer to it when we are discussing this matter on amendments.

[Mr. Hossain Imam.]

As was pointed out by the Honourable Sir Ramunni Menon, the Government have in effect accepted communal representation in the Court, but have refused it where it could have been of greater value to the Mussalmans—I mean in the Executive Council and the Academic Council. The reasons for this differentiation between the three component bodies of a body corporate may not appear quite clearly to us who are uninitiated in the mysteries of the Government's wisdom.

I should like to remind the House of what is the present condition of the Mussalmans in the various universities of India. It will be an eye-opener. There are 18 universities in India. Two of these have been excluded from the survey. The first is the Muslim University, Aligarh, which is a Muslim institution and has Muslim teachers. The second is the Osmania University, Hyderabad. These two are excluded. As regards the remaining 16 universities, a glance at the figures given under the various universities will show that the following six universities do not employ any Muslim teacher in any subject whatever: Andhra University; Annamalai University; Benares University; Mysore University; Nagpur University and Travancore University.

AN HONOURABLE MEMBER: Is there any statutory bar?

THE HONOURABLE MR. HOSSAIN IMAM: There is no statutory bar, but this has happened because there is no representation. The whole trouble arises from the fact of non-representation. We have been asking for more and more Indianisation ever since we have had greater political power in the Legislatures. As long as political power was refused to Indians, we had no Indians in the Civil Service: it was the preserve of the Britishers. Representation can only come with control. This is such an elementary fact that I hope my Honourable friend will not contest it. We used to get in the old days a statutory civilian: as a matter of concession one or two Indians used to be given posts in the I.C.S. But simultaneously with the gaining of political power we have been able to force Government to eliminate the efficiency bar and to admit Indians to the highest posts under the Crown. And I hope the success of Indianisation has been such that no one will have the courage to say that admission of any community leads to inefficiency. It has not done so far, and I hope it will never do in future. It is only a thin excuse put forward by those who are in power in order to safeguard—as has been said—vested interests—in order to cover their disinclination to divest anything which stands in the way of justice being done to the have-nots. Now that we have got power, at least a semblance of power, we know how hollow and pointless was the excuse put forward in the former days—the excuse of the efficiency of Britishers and the inefficiency of Indians.

Similarly, the excuse that the interests of education will suffer if communalism is brought in is a myth. It is only a garb to hide the sinister nature of the intention of having a monopolistic hold on the University positions on the part of those who have now those positions.

I was saying that the six universities out of the 16 do not employ Muslim teachers in any subject. The following 12 universities out of 16 do not employ a single Muslim teacher of any status—professor, reader, lecturer, or even demonstrator—in any Science subject. Knowing the great importance in the present day world of science, knowing that it is almost the first step to industrialisation, to every kind of forward movement of a people, it is regrettable that in 12 out of 16 universities there should be no Muslim. These Universities are Agra, Allahabad (my Honourable friend's University), Andhra, Annamalai, Benares, Bombay, Delhi itself, Madras, Mysore, Nagpur, Punjab and Travancore. The five Universities which I mentioned originally and seven more, which include even such an enlightened University like Allahabad. It has no Muslim teacher of any status, from the professor down to demonstrator, in Science subjects. I am quoting these figures from a Government publication—

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (United Provinces Northern Non-Muhammadan): Is the Honourable Member aware that in the Allahabad University there are Muslim Arts teachers? If he recognises that, I should like to ask him whether the University has deliberately excluded Muslims from getting posts on the Science side.

THE HONOURABLE MR. HOSSAIN IMAM: I am not imputing any motives or stating the reasons. I am only quoting a recital of facts. These are the facts.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : I wish the Honourable Member could be a member of a Selection Committee of the Allahabad University. He will know the facts for himself.

THE HONOURABLE MR. HOSSAIN IMAM : These figures are taken from the Handbook of Indian Universities published in 1942 by the Inter-University Board of India.

THE HONOURABLE SIR JOGENDRA SINGH : Will the Honourable Member give figures for the Punjab ?

THE HONOURABLE MR. HOSSAIN IMAM : The Punjab University has got no Science teacher at all.

THE HONOURABLE SIR JOGENDRA SINGH : I mean for the whole University—what is the proportion of teachers.

THE HONOURABLE MR. HOSSAIN IMAM : Four universities out of 16 employ some Muslim teachers in Science subjects, 12 universities have none and in the case of the four universities I shall place the figures before the House to show how great is the exclusion of Muslims.

THE HONOURABLE MR. P. N. SAPRU : My Honourable friend has never served on any University Selection Committee as I have.

THE HONOURABLE MR. HOSSAIN IMAM : In Calcutta there are two out of 120—a province where the Muslim population is 56 per cent. has got a representation of less than $1\frac{3}{4}$ per cent. This is a rare thing. In Lucknow there are—

THE HONOURABLE THE CHAIRMAN : I do not want to interrupt the Honourable Member, but is it his suggestion that there are qualified persons who have not been taken in ?

THE HONOURABLE MR. HOSSAIN IMAM : I challenge the Government with full authority that for any professional post, I can give them half a dozen people every time. But there is no yard stick by which you can measure the qualifications of a man.

THE HONOURABLE MR. P. N. SAPRU : Dr. Krishnan was a Professor of Physics in Allahabad. Can you give men like him ? You do not know what you are talking about.

THE HONOURABLE MR. HOSSAIN IMAM : Leave alone professors. What about demonstrators ?

THE HONOURABLE SIR RAMUNNI MENON : Is it worth while discussing all this ?

THE HONOURABLE MR. HOSSAIN IMAM : In Calcutta, out of 120 teachers, there are only two. I am stating the facts as they stand. I am making no excuse. I do not blame anybody. But I say the facts are there which establish my case that I want special protection.

THE HONOURABLE SIR JOGENDRA SINGH : About the Punjab I may inform the Honourable Member that if he were to take the Medical College, the MacLagan Engineering College, the Government College, and the Islamia College, I think the number of professors on these is much greater than what my Honourable friend imagines. I can name the men whom I myself have appointed in these Colleges—

THE HONOURABLE MR. HOSSAIN IMAM : There are none in the Allahabad University.

THE HONOURABLE SIR JOGENDRA SINGH : At least there are two friends of mine who are Muslims, Dr. Syed and one other. So I think either these figures are out of date or they are not quite correct.

THE HONOURABLE MR. HOSSAIN IMAM : The Honourable Member for Education, Health and Lands probably did not hear me properly. I was referring to Science subjects.

THE HONOURABLE SIR JOGENDRA SINGH : Even with regard to Science subjects, for instance, in the MacLagan Engineering College, Professor Muzaffar is in charge of Science.

THE HONOURABLE MR. HOSSAIN IMAM : Is it a University College ?

THE HONOURABLE SIR JOGENDRA SINGH : It is affiliated to the University.

THE HONOURABLE MR. HOSSAIN IMAM : The responsibility is Government's, because I am giving the figures from a book published by the Inter-University Board of India. If Government accuse me of giving wrong information, then the blame is theirs, not mine.

[Mr. Hossain Imam.]

I was dealing with the number of Muslim teachers in Science subjects in the various Universities. Lucknow has got two out of 40, Patna has got 2 out of 31, and Dacca, the only place where there is some sort of communal safeguard, has got four out of 43 which gives a representation of 10 per cent., a percentage which is three times that of any other university in India. In Calcutta both the teachers are of lower grade, in Dacca both the teachers are of the lowest grade, in Lucknow, one teacher is a lent I.E.S. officer and the other is a reader, and in Patna both the teachers are I.E.S. officers. It is worth noting that in the 16 Indian universities there should be only three professors, all I.E.S. officers, 1 reader and 6 teachers of the lowest grade. Thus, Sir, out of a total which is more than nearly 300 of university teachers employed in Science subjects, we have the magnificent share of 10. Is this a position which Government think reflects in any way to their credit? Even the two Muslim Universities are turning out more than 10 people in the highest degree in Science subjects every year and yet they cannot find employment even in the lowest grade. The few there are are because of their being employed in the Indian Educational Service.

I should like to give some more figures, because, when I referred to Allahabad, there were some adverse comments from my Honourable friends. Let me give you the details of the Allahabad University. It is a unitary University, with no Muslim officer and no Muslim teacher in any Science subject. Not a single Muslim professor, reader or lecturer in any of the science departments of physics, chemistry, zoology, botany and mathematics. In physics there are 11, in chemistry 11, in zoology 7, in botany 6, and in mathematics 7. Out of this total of 42, there is not a single Muslim teacher in the whole University in Science subjects.

THE HONOURABLE MR. P. N. SAPRU: How many applied and what were their qualifications?

THE HONOURABLE MR. HOSSAIN IMAM: I refer particularly to this University because my Honourable friends coming from Allahabad have objected with persistence to my remarks. In the Bombay University, Sir, which is a teaching and affiliating University, no Muslim officer except one Dean in Arts; no Muslim teacher in University departments of Chemical Technology employing 21 teachers there are 50 affiliated colleges and only two of them (a) Ismail College, a Muslim endowed College and (b) the Government Law College, have Muslim principals. There is no Muslim Science teacher.

THE HONOURABLE THE CHAIRMAN: How long will the Honourable Member take?

THE HONOURABLE MR. HOSSAIN IMAM: I will take half an hour more, Sir.

THE HONOURABLE THE CHAIRMAN: Today being Friday, I will adjourn the House now.

The Council then adjourned for Lunch till Three of the Clock.

The Council re-assembled after Lunch at Three of the Clock, the Honourable the Chairman (The Honourable Sir David Devadoss) in the Chair.

THE HONOURABLE MR. HOSSAIN IMAM: Mr. Chairman, when the House rose I was referring to the Bombay University and the meagre representation of the Muslims in that University. I should like to place before the House the figures for the Calcutta University where we have two Muslims out of 120. In Physics there is not a single Muslim out of 15. In Applied Chemistry, not one out of 13; in Mathematics not one out of 12; in Applied Mathematics *nil* out of 13; in Botany *nil* out of 10; in Zoology *nil* out of 8; in Geology *nil* out of 6; in Physics none in 10; in Bio-Chemistry, there is only one Hindu; in Chemistry there is one Muslim lecturer and in Applied Physics there is one Muslim out of 11. I could have recited the figures of other Universities; but I will content myself with referring to only one or two Universities. I have got the list for other universities. There is no Muslim officer in Patna and only 1 Muslim out of 6; there is no Muslim University professor or reader. Muslim professors in the Science College in Patna are as follows: Physics *nil* out of 11; Applied Chemistry *nil* out of one; Mathematics *nil* out of 6; Mathematics, Physics *nil* out of one. We have got only two men out of 12 in Chemistry. There are two Muslim teachers out of 31 and these are both Indian Educational Service men. They are inherited by the University from the Government of India and no credit goes to the University authorities for having appointed Muslims.

Sir, I do not wish to take up the time of the House in reciting the whole tale of neglect of Muslims which is evident from the facts and figures. I regard it as a duty of the Government and the University to provide even those who have nothing with something. Government can find lakhs and lakhs of rupees to spend on higher education, on building sites, on hostel accommodation. But can it not find a few thousands of rupees for special scholarship to Muslim boys so that they may learn science subjects? I ask my friends whether it is not proper for them to take care that Muslims also come up to the standard to which they have attained. If there are two horses in a team, would it help one horse if he has to drag the whole burden alone and the other is left out? I do not wish at this juncture to throw blame on what has happened in the past. I wish merely to draw the attention of the House and of the country to the deplorable condition in which we are and ask the Government as well as my sister community to help me out of it, to do something which will equalise our position, which will make Muslims also take their part, equal part, their due part, in the education of the country. And in this connection I greatly regret the refusal of the Government of India to accept the amendment for a Muslim Advisory Council which was proposed. It is a fact that not only the Dacca University has got a Council of that nature, but my friend Mr. Sapru pointed out to me that even Allahabad has got an Advisory Council of that nature. May I ask what is the special reason for refusing it in Delhi? If Allahabad can have it, why should you refuse it when we want it? As regards Allahabad, also, I would draw the attention of the authorities that a Committee to be useful must be of such eminence and of such persons who would take up the work with which they are entrusted. It is not only the fault of the University that Muslims are so badly off in Science departments; I regard it as the fault of the Advisory Body too for having neglected its work. If the Committee were wide awake and if elections and nominations took place not because a person happened to be *persona grata* with the nominating or electing authority but because of real suitability, capacity to work, we would not be in this position. It is a discredit to the Court as well if the Committee does not properly function. I for one do not believe in weeping over spilt milk. What has happened has happened. Let the past bury its dead. But what are you going to do for the future? Do you hold out any hope for us or are you going to write on the portals of the Government of India: "Enter all those who have abandoned hopes". I tell the Government that it owes a duty to the country and not to itself alone. If it cannot do it now, there is nothing to prevent it from bringing an amending Bill next session or next year. Can I ever hope that even this Government, which we have always characterised as wooden, will become once a pliable thing? It may be steel, but mild steel can be moved without breaking. I do hope that the Government of India will consider this debate fully and that the grievances which we have made out will be removed in the near future. I would also like to point out the fact which is of great importance that there are a number of scholarships and prizes in the University endowed by private persons not only on communal basis but on cast basis. I do not in any way object to it, but I do wish the Government of India also to copy it at least in its communal aspect. It should give some scholarship especially to Muhammadan students for Science subjects to make a leeway which on all showing exists at the moment in the Science department. I know of cases in which Government—at least in my own Province of Bihar—have given a scholarship to a backward class young man and sent him to England. Things like that do happen in the provinces. Cannot the Government of India do something of that nature too? But it is easy for the Government of India to spend lakhs on its pet schemes, but difficult to spend even a few thousands on beneficial schemes which we may demand. It is regrettable that the Government of India took up an attitude which was neither helpful nor calculated to redound to its own credit. It was childish, petulant, and if the Honourable Member will excuse my using the word, verging on foolishness, for if a thing can be accepted, as I have pointed out, about the Muslim Advisory body in other Universities why should you refuse it here? What are the special circumstances here that it must be refused?

Sir, when I come back to my amendments I shall be mostly dealing with the communal aspect of the question; so I will not dilate longer on this. I wish to endorse the remarks of Sir Ramunni Menon that in their desire to have grandeur they should not create a white elephant here. Oxford and Cambridge cannot be had

[Mr. Hossain Iman.]

in Delhi by any amount of money that you may spend. Delhi has got no special attraction. If special attraction there is it is in Benares, it is in Aligarh. Any amount of money which you spend on higher education will be much more usefully spent if it is contributed to these two institutions than it can be in Delhi.

Then, Sir, the Honourable Member for Education, Health and Lands referred to the slow movement of the universities and in his very graphic manner he coupled it with saying that when this is joined with the vested interests it becomes almost immovable. I am paraphrasing, I am not using his exact words. I feel, Sir, that this is the best argument in support of what we have been doing. It is not that we have no trust in the University when we ask for safeguards and provisions. It is because we believe in what the Honourable Member has just now stated. We are convinced of the slow movement of the universities and therefore we want that some push should be given to it and that can only be had if we have some statutory provision in the Bill for our community's rights.

Then, Sir, there is the other remark of the Honourable Member for Education, Health and Lands which is even more telling. He stated :—

“ We know that it is on sound education that destiny of every nation chiefly depends ”.

How true are your words and how little the action of your Department to support this dictum. What have you done to safeguard the destiny of the Muslim nation ? Have not 21 years convinced you that your line of action is a failure ? When will you learn ? In the end, Sir, I should like to conclude with an Urdu couplet :—

“ Yeh kahan ki dosti hai keh bane hain dost naseh ;

Koi charasaz hota koi ghamgosar hota ”.

It is not friendship to give only sound advice : you should do something to help your friend and it is the help which you render which really measures the sincerity of your friendship.

Sir, I oppose this Motion.

THE HONOURABLE MR. P. N. SAPRU : Mr. Chairman, whatever the criticisms that I may have to offer against this Bill may be—and I shall have to offer a few criticisms in regard to this Bill, some of them of a friendly nature, some of them of a critical nature—there is one complaint that I do not propose to make against the Government. I do not intend to take the line that the Bill is untimely and that it could well have waited until either the food situation had improved or the war was over and had been won. It is a legitimate complaint against the present Government that while it moves with marvellous, with remarkable, rapidity where what it considers to be a question of law and order is involved, it is slow to act where questions affecting the educational or social well-being of the people are concerned. There is a school of thought which would postpone a consideration of these vital problems of education, health, the economical and the social well-being of the people until the war is over. These are questions which condition the progress of a people towards a free and independent existence, and we may be certain, Sir, that the very gentlemen who suggest that these questions should be postponed, for the time being at any rate, will argue after the war is over that these questions need not be taken up immediately, for they are representatives of certain obscurantist, vested, interests and they do not want progress. Their main interest is the preservation of the present social order, with its many injustices and many inequalities, and they dislike experimenting with new ideas. I hold definitely, therefore, Sir, the view that the question of educational reconstruction—and I think one of the questions involved, as I shall show, in this Bill is the question of educational reconstruction should not be indefinitely delayed, that we should, even where we cannot execute our plans, think them out now so that we may be ready to put them into execution when peace once again is established in the world.

Indeed, Sir, I think it was our very able Educational Commissioner or Adviser who said somewhere that the very purposes for which the war is being fought require that there should be planning in education now so that conditions for a free and healthy existence for all races and peoples may be established in the post-war period. I am not exactly quoting his words but I think he said something to this effect in a speech which he delivered in Srinagar.

Sir, holding these views it is inevitable that I should view with sympathy and effort, howsoever modest, to advance the educational interests of any province and particularly that of a province and city like that of Delhi which has been the home of many civilisations and many cultures and which as the Metropolis of India, as the capital of India, should have a university worthy of its ancient past and capable of meeting its requirements in the greater future that awaits this country and this city.

Sir, I must not be understood to say that I approve of the procedure that the Government of India has adopted in regard to the Bill now before the House. I wish—and I think I am making this criticism in a friendly spirit—I wish that the procedure that they have adopted had been somewhat different. I find that the Bill is essentially the outcome of a memorandum which was written by the eminent Vice-Chancellor who has rendered very distinguished services not only to the administration of justice in this country but to the educational world also—I mean Sir Maurice Gwyer. This memorandum was written in August, 1939. Now Sir, between 1939 and 1943 the Government of India had four clear years not only to consult the Court and the Council of the Delhi University, but other universities and educational experts. I cannot understand—I shall be glad if I am corrected—I cannot understand why the Central Advisory Board of Education, the Inter-University Board and the various universities were not consulted by Government. This is not merely a local Bill, as will be evident from the memorandum of Sir Maurice Gwyer, to whose devotion to the University I should like to pay my humble tribute. I am reading from page 41 of the memorandum :-

"I submit that expenditure incurred in developing the University on a wise and far-sighted plan will repay itself many times over. But I do not think that it is worth doing unless the position of the University as a real all-India University, and as the main cultural link between India and the outside world is recognized". I emphasise the words "as the main cultural link between India and the outside world".

"The University of Delhi, if it is to fill the part which I cast for it, must, as I have insisted in what I have written above, be distinguished by quality and the highest standards".

Therefore, what was contemplated by Sir Maurice Gwyer was that this should be an all-India centre of culture and learning, and that it should form the main link between India and the outside world. Well, a suggestion of that character was a very important one, because the interests of provincial universities with long traditions—I mean comparatively long in this country—old Universities like Calcutta, Allahabad, Madras, Lahore—were affected, and I should have thought that before bringing in an amending statute Government would fortify itself by opinions gathered from these Universities and other persons qualified to speak on educational matters.

Sir, the Bill before us has some good features, and it has many bad features. The Bill appears to be the work primarily of the Department of Education, and the legitimate grievance that the people have is that in the formative stages of these proposals public opinion was not consulted, through, shall I say, a properly constituted committee representative of the main elements in India's educational and public life and representative also of the main elements in this House. The Bill was introduced in the Assembly, I think, on the 31st March, by the Secretary in the Department of Education, Health and Lands, Mr. Tyson, and he said that it was an emergency measure—we are now used to the word "emergency"; we do not know what the emergency is—the only judge of the emergency can, under the law, be the Governor General—that it was an emergency measure which we must put through, because they had already taken action by reorganising higher secondary education and had introduced honours class courses. If you examine the Bill, it is not such a simple affair, because you do not deal with only honours classes; you have reconstructed the Executive Council; you have reconstructed the Academic Council; you have changed the method of appointment of the Vice-Chancellor. You have, further, dealt with the question of colleges, their recognition, and the withdrawal of recognition from them. It is a complicated measure, and the complaint that I make is that a Bill of this nature should not have been introduced in that—I won't say sly fashion—in that unfortunate manner. Fortunately, however, the Bill was referred to a select Committee. I have read the Report of that Committee. I am afraid that I am not enthusiastic about the Report of the Select Committee. (*Interruption.*) I will not say that—I shall be reflecting on some of

[Mr. P. N. Saprú.]

the members of the House if I say that. There was one educationist on the Committee, Dr. Bannerjee. But I do not agree with him in regard to one or two matters. And it was rather unfortunate that a prejudice against this Bill was created from the very start. If a different procedure had been adopted, I venture to think that many of the criticisms that have been made would have been made in a different spirit, and they would have been better informed than they have been in the other House.

Sir, the objects of the Bill are stated to be provision for the introduction of a three-years' degree course, permissive provision for the appointment of a whole-time Vice-Chancellor, and alteration in the procedure whereby a college may be recognised by or disaffiliated from the University. But a perusal of the Bill will show that the changes effected go further; they change the character and constitution of the University. What we have to see, apart from any question of general principle, is whether the tendency in the Bill is to over-officialise university administration, to hamper its academic freedom, to make it, shall I say, into a department of state. I shall have something to say on these important questions, but before I do so, perhaps you will allow me to indicate my own point of view in regard to what a university should aim at. May I first refer to my province, the United Provinces. Fortunately, in our province, we have been used to a different type of university now, but we in this country have been used to the idea of a university being a sort of examining board. Generally what happens is that in a province of about 40 million people there are colleges in about 12 or 15 places. These colleges are governed by their own governing bodies. The University exercises a sort of supervision over them. It sends out inspectors to see whether efficiency is maintained in those colleges. It holds an examination at the end of every second year and then some students pass and others fail, and the University thinks that it has done its work. That is the examining type of university which held the field until the Sadler Commission's Report. That is not, speaking frankly, my conception of a university. I was revising only yesterday my reading of Lord Haldane's *Universities and National Life*, and I should like to quote one or two passages from that eminent lawyer, educationist and statesman. In his address on "The Dedicated Life" this is how he defines the function of education :—

"It is the function of education in the highest sense to teach him that there are latent in him possibilities beyond what he has dreamed of, and to develop in him capacities of which, without contact with the highest learning, he had never become aware. And so the university becomes, at its best, the place where the higher ends of life are made possible of attainment, where the finite and the infinite are found to come together. The wider our outlook, the more we have assimilated the spirit of the teachers of other nations and other ages than our own, the more will the possibilities of action open to us, and the more real may become the choice of that high aim of man, the dedicated life. We learn so to avoid the unconscious devotion of our energies to that for which we are not fit, and the peril of falling unconsciously into insincerity and unreality of purpose. We learn so to choose the work that is most congenial to us, because we find in it what makes us most keenly conscious that we are bringing into actual existence the best that lies latent in us".

Therefore, Sir, the fundamental aim of a university should be to supply the community with leaders who will lead men in thought and action. This was the ideal of the ancient Hindus. They thought that the highest learning was that of the 'self'. They looked upon *avidya* as the main obstacle to the realisation of self. I think, Sir, that the Islamic ideal is not very different. But in order that a university might perform this function properly, adequately and in the right manner, it is essential that it should have academic freedom. Here again, Sir, I should like to quote from Lord Haldane. This is what he says about academic freedom. It is in the light of this test which Lord Haldane has laid down that I shall examine the constitution of this University and the purpose of that examination will be to show that it is not likely to lead to that academic freedom which is essential for the performance of the University's highest functions.

"The university", he says, "is a place of research where the new and necessary knowledge is to be developed. It is a place of training, where the exponents of that knowledge—the men who are to seek authority based on it—are to be nurtured and receive their spiritual baptism. Such a university cannot be dependent in its spirit. It cannot live and thrive under the domination either of the Government or the Church. Freedom and development are the breath of its nostrils, and it can recognise no authority except that which rests on the right of the Truth

to command obedience. Religion, art, science—these are, for the body of teachers of the true university type, but special and therefore restricted avenues towards that Truth—many-sided as it is, and never standing still. It was Lessing who declared that were God to offer him the Truth in one hand and the Search for Truth in the other, he would choose the Search. He meant that, just as the Truth never stands still, but is in its nature a process of evolution, so the mind of the seeker after it can never stand still. Only in the process of daily conquering them anew do we, in this region also, gain life and freedom. And it is in the devotion to this search after the Most High—a search which may assume an infinity of varied forms—that the dedicated life consists; the life dedicated to the noblest of quests, and not to be judged by apparent failure to reach some fixed and rigid goal, but rather by the quality of its striving”.

The test, therefore, that I propose to apply is whether the constitution which has been proposed in the amended Bill before us will give the University the academic freedom essential for search after truth which, as Lord Haldane says, is greater than truth itself. I must confess, Sir, that I am not satisfied with the constitution which has been provided for it, for it is far too official for us. But I shall discuss this question of the constitution a little later.

First, Sir, let me say that I am in agreement with the principle of a three-years’ degree course and the complete separation of higher secondary education from university education. It will be remembered that the Sadler Commission recommended that intermediate education should be separated from university education. I shall quote the authority of the Sadler Commission for it. On page 26 of Vol. IV, Part II, they say :—

“An improvement in higher secondary education seems to us to be needed and to provide the key to the solution of this part of the problem of educational reform. We recommend, because it is one of the necessary conditions of the right delimitation between school and university work, that admission to the courses provided by the university in preparation for a degree should in future take place at the level of what is now called the intermediate examination. The present matriculation should cease to entitle a student to enter upon a university course. It comes at a stage in his education when it is premature to guarantee his fitness for that grade of work which alone it is appropriate for the university to require”.

Now, the Sadler Commission reported in 1919 and in our province this reform which the Sadler Commission recommended has been effected. Allahabad started with a teaching as also an affiliating University. It is now a completely teaching University. In Lucknow they have nothing to do with intermediate classes. Intermediate education is in the hands of an Intermediate Board of Education and there is a clear distinction between intermediate education which is really part of school education and university education.

Sir, may I just give my experience of how this experiment has worked in our province? I say experience, because I have had some experience of post-graduate teaching and I come into contact with a large number of young men practically every year. If you remember the conditions under which we have to work, I think the experiment has been a success. The Government has been niggardly for one reason or other in giving grants to secondary schools. Secondly, the efficiency of education depends on the teacher and the teacher is not well paid. Managing committees and governing bodies of institutions often harass him. We have been rather inclined not to exact a sufficiently high standard from our intermediate colleges. There is a tendency to recognise an institution because somebody who has built up that institution has got friends in the Intermediate Board. And private charity has not been forthcoming to the extent that it should have. If you remember these conditions, then I do not think that you can say that intermediate education in our province has failed. I do not think that the man who comes to the first year of the B.A. is less equipped than the intermediate-passed student of the Allahabad University used to be in old days. In fact I think the standard of general knowledge among students has gone up. We have been experimenting with the new system for the last 21 years. We started in 1921 or 1922. Therefore we have had a fairly wide experience of the effects of this separation of university from higher secondary education. The University too has benefited, because teaching is in the hands of the University—it is a unitary University. All the teachers are controlled by the University, appointed by the University and the university has tried to develop the tutorial system. I do not think that the tutorial system has been the success that I should have liked it to be. My Honourable friend Mr. Sargent knows that the tutorial system means an adequate staff and limited numbers. If you have got to deal with three thousand students you must have a staff adequate

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to deal with these three thousand people. Many of our public men—if I may say so without impertinence—some High Court Judges, who can be said to be educated only by courtesy—they are very good lawyers in their own way but they are not men of culture—often say in University bodies, “Why do you want a Reader of Statistics? In my day we had in the Canning College a Principal called Mr. Perrie, a very able man, who used to teach us history, economics, philosophy and English literature. I am a product of that system. Do you think I am a bad product? I have risen to the highest position open to any Indian in the land”. You get that type of criticism because people of this type do not know what the real function of a university is. They do not know the frontiers of knowledge. They do not know the extent to which knowledge in its various branches has become specialised. And you get Government secretaries and officers also saying, “These teachers are good enough for these young men. We need not think of Oxford and Cambridge and London. It is the kind of education that these fellows might well receive”. Therefore, if you have regard to the difficulties under which we work, then I say that the experiment of intermediate education in our province has not failed. What the Bill proposes to do is to take away—I have only my province in mind—take away one year from the intermediate, tag it on to the high school and tag the other year on to the University and provide a three-year course for the B.A. in the University and provide a higher type of matriculation after the secondary stage is over. From the educational point of view there is everything to be said for the reconstruction of education on these lines. You make a clear distinction between two definite grades of education, the higher secondary education and the university education. You improve the quality of secondary education. You make it possible for the university to perform its real function of imparting not school but college instruction. I think with good teachers, adequate funds and a desire to improve things it should be possible for a student to do what he does in 12 years now in 11 years. I think the standard of the matriculation or the preparatory examination can be brought to the level of the intermediate. Perhaps it will take a little time. But given funds, given the will and given the determination, you can teach a young boy in 11 years what you teach him in 12 years. Therefore, ultimately the success of the scheme which the Honourable the Education Member and the Educational Adviser to the Government of India have in view will depend upon the quality of teachers that you employ. Apart from the salary that you give him, give him a decent place in society, recognise that he is a socially useful unit and make him feel that his status and his position are not to be measured in terms of pounds, shillings and pence. Then you will get a real start so far as higher secondary education is concerned. Therefore, apart from all other considerations—I will have to come to them a little later—I would say, Sir, that this division of education will give us a better type of matriculate who will have a self-sufficient education. He need not go to a university if he does not want to but he must have some vocational institutions provided for him. He must go out as an educated English boy goes out—I won’t say from a Public School—I am not enamoured of the Public School: I am a working-class man and I would not have in the world of tomorrow any Public School—as any man who has received a good education in an English school goes out after his matriculation, and he will be able to benefit by the education that he receives in the university also.

Now I will tell you, Sir, the flaw that I find with university education. Our trouble is that we cannot maintain a high standard because two years is too short a period for the B.A. The first year is spent in the boy’s acquiring the university atmosphere. He is new to the methods of teaching of the university. He has hardly any acquaintances. Those of us who have been to Oxford or Cambridge know that a great part of the education that we get in Oxford and Cambridge is by contact with each other. Well, probably in the first year the boy is a little shy: he does not meet people, he does not come into contact with his teachers; so the first year makes no impression upon him. In the second year he is busy with the thought that he must pass his examination and therefore he gets no time to widen his horizon, to read books that he would like to read, to enlarge his knowledge and just about the time when he is likely to benefit most from the university education

he disappears from the university, because most of our boys, or a great many of them, do not proceed to the M.A. Those who proceed to the M.A., of course, get the benefits of an honours course but most of our boys do not proceed to the M.A. Some of them go to the LL.B. but LL.B. teaching is of a very mechanical character. I have known, Sir, some High Court Judges in the Faculties of Law say, "What is the use of teaching Roman Law; what is the use of teaching International Law; what is the use of teaching Jurisprudence? Those are subjects which we do not need in ordinary practice". Well the difficulty is that they do not know the cultural value of these subjects. They have never had that scientific background of legal knowledge which widens a man's horizon. I cannot conceive of a legal course without Roman Law, without International Law, without Jurisprudence.

Well, Sir, I think that this three-year course is a good thing and we should support it but there is another difficulty. We have tried the honours course in our University: we have the pass degree; we have the honours degree. The Allahabad University boys or students can take the pass degree in two years. They need three-years for the honours degree. Now, there is, therefore, a competition between the pass course and the honours course. The advantage in taking an honours degree is that you get your M.A. one year after your honours B.A. The pass man has to spend two years: the honours man has to spend one year for his M.A. or M.Sc. But the pass man has a disadvantage. We have the examinations of the Public Service Commissions and the Public Service Commissions say that the minimum qualification that they need for entrance into the Provincial Executive Service or even the Indian Civil Service is a B.A. degree. Now, if I am a capable, clever young man I would take my B.A. degree in two years: I won't bother about the honours course. I shall sit for the Indian Civil Service Examination in the third year. I shall try my luck if I think I shall be able to get into the Indian Civil Service or the Audit Service or the Indian Police Service and therefore the honours course suffers. Well, I think you have in Scotland this distinction: for the honours course I think you need in a Scottish University four years: for the pass course in a Scottish University you need three years but in all British universities the minimum course as far as I know for a degree examination, both for the pass and the honours, is three years. The system of a uniform three-year course will, I think, make it easier for us to establish the honours course. I do not want the pass man to disappear. I think it would be a wrong policy for us to do away with the pass man. There are some students who just want to have some experience of university life, who want to read a number of subjects and who want to spend three good years at the university. Well, there should be a pass course for them but it should be possible for us if we have a three-year course to organise honours courses, and, so far as honours courses are concerned, I should say that these should be different from the pass courses. The conception of an honours course also needs revision. I would like here to quote from the Sadler Commission's Report, Vol. IV, Part II, page 261:—

"The distinction between the honours and the pass course should not be that the honours course is necessarily narrower in length than the pass course - it may even be wider, nbr should the distinction consist merely in the demand from the honours student of a greater volume of work, though of course the able student will always read more than the average student. It should reside in two things: first, that the subjects of the honours school are more closely articulated in view of a clearly defined purpose or interest; and, second (and much more important), that the mode of treatment is different, the student being expected to show more independence of mind, to do more of his work on his own account, and to need guidance rather than mere instruction".

Now, Sir, the real difficulty is that there is no attempt in our teaching to develop originality. I remember my days at Oxford and I remember the time when I used to go to my Law Professor, who was a very learned man and he used to boast that he had never been to a Law Court—he never actually practised in any Court—and he was certain that he would be floored by any junior if he went and argued a case. But he was a man of amazing learning. He knew Roman Law and other subjects extremely well. He would give us an essay. I would write

4 P.M. that essay, and I would perhaps be very dogmatic, and I would make a very clear and definite assertion; and he would very humbly, in a spirit of real humility, say: "Oh, but perhaps there is another point of view also; you have not read such and such a book. Have you thought of it in that light?" That does not

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happen here. What happens here is this. We get mechanical instruction. You get a big class. Your lecturer goes there and delivers his lecture. Mechanically the students take down notes. Then there are people who can oblige them by writing notes which can be had in the market. The student does not get the training which one gets by continuous written work. In British universities, in Oxford and Cambridge at all events, as we know, the tutor is the real man who guides the students. It is he who suggests what essays to write, and how to write them, and what books to read for those essays; and by the time you have finished three years you have, in your essays, covered probably the whole of your course. You have attended university lectures and so on, but it is these essays which give you a mastery of your subject. That is how teaching is done, and we shall not be able to develop all this until the Government and public realise that for teaching universities adequate grants, adequate funds and adequate staffs are necessary.

Sir, I should like also in this connection to make some observations on the medium of instruction. I am a very strong advocate of Indian languages as the media of instruction. I think much of the inefficiency of Indian education is due to the fact that the Indian student has to work through the medium of a foreign tongue. I am not raising any controversy as regards Urdu or Hindi. As a matter of fact, I should like to see every Muslim learn the Devanagari script, and I should like to see every Hindu learn the Arabic script. And I should like to have a simplification of language. I do not think that a good prose style necessarily means a highly Sanskritized style similarly; I do not think that a good prose style necessarily means a highly Arabicized or Persianized style. If we do not bother about the description or name of the language, I think it is possible for this country to evolve, by simplifying the language, in Northern India at all events, a real, good prose style such as has been developed by the English people in the course of centuries.

I say, Sir, that I am a great believer in the medium of instruction being an Indian language, because I know that the present system crushes individual thinking. A boy pays more attention to form than to matter. He is not encouraged to observe things. I can speak for some time in this House, but if you ask me to describe a flower, or if you ask me to describe the dress of a lady, in English, I do not think I shall be able to do it, even though I have spent all my life doing more work in the English language. Therefore, it is my view, that we must set before us a definite goal. We must say that within twenty years, or within ten years, or within fifteen years, we shall have, in all the stages of education, Indian languages as the media of instruction. If we set about that task in a serious manner, we should be able to accomplish that task. There is no difficulty. I do not know Urdu very well. I know Hindi, however, and I read a number of Hindi magazines, Hindi papers, and Hindi books. And I am amazed at the manner in which complicated thoughts in them are expressed by people who cannot express themselves in English. If you were to meet some of these writers, you would probably put them down as uneducated because a great many of them cannot express themselves in English fluently. But they are far more thoughtful, they have far more knowledge of psychology, of human nature, of philosophy and, if you like of the modern world, than many people who have received an English education, who prefer to speak in the English tongue, or who prefer to write for English newspapers. Therefore, I think that no reform will fundamentally succeed unless there is a change in the medium of instruction.

One question that arises in connection with this reorganisation of education in the Delhi Province is the migration of students. I read the speech of the Honourable Mr. Sargent in the other place on this question. I think he explained the position rather lucidly on this matter. This question of migration of students should not present an insuperable difficulty. So far as the matriculates of universities other than Delhi are concerned, there is no difficulty. They can be admitted into the preparatory or the higher secondary examination class. So far as the intermediates of other universities are concerned, they should be admitted, until, the other universities have come into line with Delhi, into the second year of the University. So far as the first-year B.As. of Delhi are concerned, there can be a

reciprocal arrangement with other universities for admitting them into the second-year B.A. class. But I think these questions can be discussed in the Inter-University Board. Indeed, I think they should have been discussed in that Board before the Bill was actually brought; that is one of the criticisms that I have to make against the procedure which has been adopted. The Delhi University can also hold tests. If a boy who has spent the first year in the University wants to go to another university, the Delhi University ought to hold a sort of test for him, and if he satisfies that test, that test can be recognised by other universities as equivalent to the intermediate examination. There is, however, the question of Medical, Technological and Engineering Colleges. Some of these institutions, I believe, hold their own tests for admission. Others require that the minimum standard a student must possess for admission is the intermediate. I should like this matter to be taken up with these institutions. In any case it should be possible for the Delhi University to institute a sort of examination at the end of the first year B. A. which would be recognised as satisfying the requirements of these Medical, Engineering and Technological institutions. I do not think, Sir, that this question of migration of students presents insuperable difficulties.

A point that I would like to urge here in connection with courses of study—for it is very difficult for one's voice to reach the Delhi University in any other way—is that there should be a more intelligent grouping of subjects than is the case in many universities at the present moment. I find that there is nothing like the *Literae humaniores* in Oxford in India. We do not read Latin and Greek but we read Sanskrit and we read Arabic and a boy who takes up Sanskrit and Arabic should be required not only to know Sanskrit and Arabic, but he should also be required to know something of Ancient Philosophy, Ancient History and the culture of other peoples also. I am not in favour of a too highly specialised course. The Indian student lacks in general knowledge and therefore in evolving our courses we should take this fact into consideration. I should, for example, like to have something in the Delhi University like Modern Greats at Oxford. I should like a student to be able to take economics, politics and philosophy, so that one of these subjects may be the principal subject and the other two subjects subsidiary subjects.

A virtue I find in the scheme placed before us is that we get rid of too many examinations. At present a boy has to pass the matriculation, then the intermediate, then the B. A., then the previous M.A., and then finally the M.A. There are far too many examinations. Talking of examinations, Sir, I know that in Oxford—I am not quite sure of Cambridge—we have the Classical Moderations and we have got other Moderations also. A boy, if he has got to study for three years, might become very lazy. It might be useful to institute at the end of the first year something like the system that they favour at Oxford of Moderations.

I think, Sir, I shall have to speak for a very long time. I am afraid I have taken a good deal of time. But I cannot possibly finish what I have to say in less than an hour.

THE HONOURABLE THE CHAIRMAN: The Honourable Member can go on but I should like to close at 5 P.M.

THE HONOURABLE MR. P. N. SAPRU: I come now to the question of the type of University visualized by the Act. It has been said the university envisaged is that of the federal type. I am not an expert in this question of classification of universities. But in my Political Science I have read that a distribution of powers is of the very essence of Federation. Some writers of eminence have doubted whether the Canadian constitution can be called a Federation at all in the real sense of the term. Some of them say it is a *quasi*-Federation. It may be that the University which has been evolved for Delhi is of the *quasi*-federal type and not of the real federal type. I think I am right in saying that Durham is a good example of a federal type of University. It has got autonomous colleges with very little control of the University over those colleges. Here, if you examine the relationship of the college to the University, you find that that relationship between the University and the college is one of subordination in all respects of the College to the University. The University dominates the life of the college, not the college the life of the University. Contrast the structure of the Delhi University with that of Oxford and Cambridge. Oxford and Cambridge are represented to be federal Universities where there is co-operative teaching. But we know as a matter of fact that in Oxford and

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Cambridge, colleges dominate the University. Colleges came first. The University is controlled by the colleges which have ancient foundations. The University no doubt has a distinct entity of its own but the colleges are highly and richly endowed and therefore they have the purse within their own control and therefore it is possible for them to pull their weight in the University. As a matter of fact, most of the instruction is done by University teachers who are also college teachers or who are college fellows. What do we find here? We find that the Executive Council of the University which will consist mainly of college teachers will have very great power over the colleges. Frankly I may say that I have no tenderness for these individual colleges. I would have followed the Allahabad model. It is possible in this country either to work successfully the unitary type of university or the affiliating and examining type of university. I think the federal type of university, which is the product of historical circumstances in England which do not exist in India, is not possible here. Either this co-operative teaching will become a farce or the University will develop into a unitary university one of these days. I do not visualise any life for these colleges and I shall not be, speaking for myself, sorry if these colleges disappear as places of instructions. I should like them to remain as residential halls which may give supplementary instruction of a tutorial character. I know the difficulty here at Delhi. You have got five colleges and you wanted to respect their rights. But we were faced with a similar problem in Allahabad when we established a unitary University. We had at least three well established colleges there namely the Muir Central College, the Ewing Christian College and the Kayasth Patasala College. All these colleges were fighting for the retention of their individuality. My Honourable friend Pandit Kunzru was a member of the Committee which reorganised the Allahabad University and we said, "We will do away with the individuality of these colleges. These colleges will be allowed to exist as residential places which may impart supplementary tutorial instruction. We will recognise teachers of some of these colleges as our teachers. We will appoint them in a part-time capacity. But the real teaching, even the tutorial and seminar teaching, shall mostly imparted in the University". If you have two governing bodies, if you have got the governing body of a college and if you have the Executive Council of the University and you have got teachers who look to the University for protection because the University is the body which is trying to improve their conditions of life, and service and so on, if you have these two bodies, then a conflict is bound to arise between the college authorities on the one side and the University authorities on the other side. I myself am in favour of going the whole hog, of attacking these vested interests and establishing a unitary university. But I can very well understand the apprehension of these colleges that their autonomy may be lost, that they may become merged in the University one day or the other. Government has put the federal type as a compromise. I wish they had not compromised but if they think they must then fairness requires that more adequate protection should be provided for colleges. It is from that point of view that I am sorry that Government did not accept the suggestion of the Executive Council of the University that it is only by a resolution passed by a majority of not less than two-thirds of the members present that a college may be recognised or disaffiliated. It is after all a very important question for a college. You have given to these colleges an assurance that you do not want to touch their individuality, they will retain their individuality, but they cannot be certain under the constitution as it stands that they will be able to do so. There may be intrigues in the Executive Council. Some colleges may like to see a rival college disaffiliated and through manœuvring by a narrow majority a college may find itself disaffiliated from the University. This safeguard was an essential safeguard. If you wanted—I do not want it, I am for a unitary university—if you wanted a federal type of university, this was a salutary safeguard. In Political Science we know that a Federation is a rigid constitution. In a Federation, there is always rigidity so far as the method whereby the constitution can be changed is concerned. All that this safeguard would have meant was that your constitution would have become more rigid in regard to the recognition or withdrawal of recognition of colleges than it is at present and I regret the attitude which Government adopted in the other place towards this question. Under the Act of 1904 the affiliating university used to recognise colleges

as a whole. It was only concerned with the question whether a college as a whole was efficient or was not efficient. It did not use to go into the merits of each individual teacher of the college and I think I am right in saying that it had no voice in selecting teachers. Now, under the Act as it stands individual teachers of colleges will have to be recognised or appointed for purposes of co-operative teaching as university teachers. You could say under the Act of 1904 whether a college is good or a college is bad. But here you go further and you go into the merits of the individual teacher employed by the college and you take upon yourself the responsibility of saying whether a particular teacher is suitable or not. Now this will throw an immense financial burden on the colleges. Some of these colleges are run by Trusts or Societies. If you interfere with the college administration to this extent that you say that you will have a definite voice in the appointment of the college teacher, that you will recognise or refuse to recognise individual teachers, then there may be friction between the University and the managing body, with the result that the colleges will have to submit to University dictation as the University can disaffiliate them. Sir, the point is that where there is a competition between the stronger and the weaker—and we have seen it in the political field—the weaker goes to the wall, and here the colleges will go to the wall in the competition between the University and the colleges. Therefore, I think it would have been better to be more courageous and say that you want the unitary type and you should have done away with the colleges altogether. Since you have not taken that line, then give the colleges ample safeguards and protection.

Then, Sir, I notice that it is proposed to have a class of university professors and readers. I am not opposed to the proposal. But I want to point out certain difficulties. Now, Sir, there will be the college professors and college teachers and there will be the university professors and university teachers and the tendency for these university professors will be to regard themselves as superior. They will, in fact be superior because I am sure they will be men of greater eminence than the college teachers. Even if they do not look upon themselves as superior others will look upon them as superior. We had this experiment in the old Allahabad University of university professors and college professors. We had at one time in our University Mr. H. S. Jevons and Professor Rushbrook Williams and I used to be a student of Professor Jevons and I know the jealousy which used to mark the relations of my college professor with Professor Jevons. My college professor was always telling me something different from what Professor Jevons used to say. I am stating the absolute fact, he was always running down Professor Jevons. Of course, Professor Jevons was a very much abler person. I was no fool and I knew that he knew far more than this man who had got into the Indian Educational Service somehow or the other, I do not know how, and therefore students always used to be comparing notes. They used to say, "We will go to Jevons' class, he is superb, or he knows ever so much more". I think this used to be the case with history students also.

Well, you do not get that sort of thing in a unitary university. You have got a university professor. You have got a university professor—all of them are university teachers or readers, lecturers or professors. A teacher becomes a professor generally after having served as lecturer or reader or after having attained distinction in the world of knowledge and other teachers are definitely subordinate to him. You do not get that sort of feeling of rivalry as there is no dispute about his position. Here not only have you created a class of university professors—I do not say that you ought not to have created a class of university professors, I am only pointing out the possibilities of friction—not only have you created here a class of university professors but you have given them in the Executive Council special representation, separate representation, communal representation—if you would like that word—because the five professors will form a constituency to elect two of them.

THE HONOURABLE SIR JOGENDRA SINGH: One, I think.

THE HONOURABLE MR. P. N. SAPRU: I beg your pardon, one of their own men to the University.

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Well, Sir, the views to which Sir Ramunni Menon gives expression to on educational questions are entitled to respect and I listened to him very carefully when he was telling us all about the Madras University. Sir Ramunni Menon's view seemed to be that professors should not have any representation in the Executive Council.

THE HONOURABLE SIR RAMUNNI MENON: I would like to make a slight correction. I believe I said "university professors"; they are quite distinct from college professors. I hope I made that point clear. If not, I am now making it clear.

THE HONOURABLE MR. P. N. SAPRU: I do not exactly take that view. I go to a certain extent with Sir Ramunni Menon but I cannot go the whole way with him. I think, Sir, that educational administration is different from ordinary administration. I mean the University Executive Council has not got to administer affairs as the Collector of a district has got to administer affairs. Often it is very difficult to differentiate between what is academic and what is not academic. I will give an instance. The question comes before the Executive Council—I have been a member of the University Executive Council for a number of years in Allahabad and in Benares—the question comes before the Executive Council that should there be a readership or lectureship in English created? Well, people not connected with the teaching are apt to go merely by the time table. They say, "Here are teachers who have been teaching only 20 hours a week, if you increase the teaching by four periods you would not need another man". But then there is the head of the department. There is the Dean or there is the professor who comes and tells us, "No, this cannot be done because I want a man who knows old English. My department is a fairly good department. I cannot without a loss of efficiency add to the periods of teaching fixed for individual teachers. It has got talent but we have not got in our department a man who knows anything about Chaucer or Chaucer's period and we want to get a specialist for that purpose and then you get a different approach to the problem and the position you in the Executive Council take is different to what you would have taken if that man had not been there to help you with his expert knowledge. Therefore, I am not opposed to the representation of professors in the Executive Council but I am opposed to what a distinguished educationist in the other House called the "pocket borough." I should reserve a seat for the professor, that is, to say one professor to be elected by an Academic Council. I should have the whole body of academic men decide who the fittest candidate among these professors is and if he goes with the goodwill of the whole body of academic men he will certainly carry greater weight in the counsels of the Executive Council than he will carry now when he will only represent five men.

I will come now, Sir, to some other vital issues. It has been claimed that this Bill represents a great triumph against communalism, that the Government has not yielded to communal clamour and that communal representation has been given the go-by in the sacred temple of learning. Well, Sir, that statement needs a little examination. I think there were ways in which, without further officialising the University—and I venture to say that the Delhi University will be a highly officialised university—I do not say that that was the intention of the Honourable Mr. Sargent, but that is how things have happened, and the Delhi University will be I fear the most officialised university in India—there were ways, I was saying, in which, without officialising the University, the object of a fair representation of the different cultures that we have in this country could be achieved. I may frankly say that I am no believer in communalism or communal electorates for universities. But if I am an idealist, I am also somewhat of a realist; and I find that there is a genuine apprehension that all the cultures may not get an adequate opportunity of expressing themselves through nomination. You have relied upon the power of nomination of the Chancellor to secure representation for those communities and cultures. I find, for example, that the number of seats available for nomination by the Chancellor has been increased from 15 to 25. Of these 25, not less than 18 shall be representatives of minority interests. Have we fought, have we fought successfully, communal representation? Can we with truth say that nominated

representatives will be better than elected representatives in a mixed constituency of registered graduates? I think the alternative of reserving a fixed number of seats in the graduates' constituency for the minority communities should have been explored. I regret to say that advantage has been taken of the communal cry to further officialise the Delhi University.

I have no liking for the system of nomination. After all, if we must have communalists, let us have at least independent communalists, men who will vote independently for the promotion of their communal interests. I do not believe in having men who will be communalists and who will be also subservient to authority. What you have done, therefore, is that you have provided the Delhi University with a constitution which will make it subservient to authority; and, therefore, this subservience to authority is likely to hamper its academic freedom. Therefore, Sir, I do not congratulate my Honourable friend the Education Member on having resisted communalism. I think he has yielded to communalism. If he did not want communalism, then the right thing for him to do was to say: "I drop the Bill; I shall have nothing to do with the Bill; I will not agree to any further nomination". I think, Sir, that by agreeing to vesting nomination in the Chancellor, who is not merely the Chancellor of the University but also a political personage, with political views and affiliations of his own, he has done no service whatever to the cause of university education.

Let me institute a comparison between the Delhi University Act provisions relating to the constitution of the Court and the corresponding Allahabad University Act provisions. I will, by a comparison of the constitution of these two Courts, show that the Delhi University Court is far more officialised than the Allahabad University Court. I have not been able to get the Calendars of the other universities, otherwise I would have shown that the Delhi University Court is probably the most officialised Court that you have in India. And for all this you are taking credit for having resisted communalism. You have not resisted communalism. The Government of India yielded to communalism when it said in the political field: "You cannot have a constitution until all the parties agree". Let the Honourable Sir Jogendra Singh get that declaration of His Majesty's Government, or of the Head of the Government in this country—who is, fortunately for us, leaving the shores of India shortly—let him get a reversal of that declaration and then claim for himself that he has resisted communalism. Communalism has been yielded to in the worst form imaginable. Let me take the constitution of the Court. According to section 18 of the main Act, you will have the Chancellor. I may say, in regard to the question of the Chancellor, that it is my view that, following the precedent of British universities, we should have an elected Chancellor. I know that Government gives a grant to the universities, and therefore should have a say in their affairs. For that purpose I would have a Visitor, just as you have a Visitor in regard to Benares and Aligarh, and I would vest him with many of the powers of the Chancellor. The advantage in having an elected Chancellor is that you will be able to associate a public man of distinction with the University. I think this is a matter which requires reconsideration. Now, the Chancellor will never attend, except perhaps, to deliver a Convocation address. Then, there is the Pro-Chancellor. I suppose the Pro-Chancellor is the Education Member—I think a very good choice, if he were not the Education Member! Then the Vice-Chancellor: I will have to comment at length upon the method of election of the Vice-Chancellor. Then the Rector. I do not know what the function of the Rector is under the Bill. As far as I have been able to understand the Bill, the Rector can be delegated certain powers by the Vice-Chancellor. He is to act for the Vice-Chancellor, if the latter so desires, in regard to such powers as may be delegated to him. The Honourable Sir John Sargent knows—I mean Mr. Sargent; I am always addressing him as Sir John in anticipation of the honour to come in the New Year Honours List—in Scottish universities, as far as I know, the Rector's main function is to deliver a sort of Convocation address and he is elected by the students of the University. The Rector, the Treasurer, the Registrar—in the Allahabad University, the Registrar is not a Member of the Court—the Principals—they will be semi-official—the Professors and Readers of the University and such other *ex-officio* members as may be prescribed by the Statutes will all be members of the

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Court. In addition to these men in Class I, the Court will have the following members :—

- “(i) the Chief Commissioner of Delhi ;
- (ii) the Director General, Indian Medical Service ;
- (iii) the Educational Adviser to the Government of India ;”

I am glad that he is there ; the fact that he is an official is of no interest whatever.

- “(iv) the Director of Public Instruction in the Punjab ;”

I do not understand why the Director of Public Instruction in the Punjab is there. Delhi is not a part of the Punjab. If the Director of Public Instruction in the Punjab is to be a member, then I think that the Director of Public Instruction in the United Provinces should also be a member of the Court. Actually Delhi is nearer the United Provinces than the Punjab. It used to form part of the Punjab at onetime but formerly it used to form part of the United Provinces.

- “(v) the Superintendent of Education, Delhi and Ajmer-Merwara ;
- (vi) the Chairman of the Punjab Chamber of Commerce ;
- (vii) the Chairman of the Muslim Chamber of Commerce, Delhi ;
- (viii) the Chairman of the Delhi Municipality ;
- (ix) the Chairman of the Delhi District Board ;
- (x) the Senior Officer serving in the Public Works Department under the Chief Commissioner

of Delhi ;

- (xi) the Senior Medical Officer, Delhi ;
- (xii) the Sadars of the Majlis-e-Awakaf constituted under Act XIII of 1943 ;”

This is communal representation. If it is not communal representation I do not know what it is.

- “(xiii) the Wardens.

(2) The number of graduates to be elected as members of the Court by the registered graduates from among their own body shall be twenty-five.

(3) The number of teachers to be elected as members of the Court by the teachers other than professors and readers shall be ten.”

I suppose this provision is intended to provide representation to lecturers and so on.

“(4) The number of persons to be elected as members of the Court by associations or other bodies approved in this behalf by the Chancellor shall not exceed twelve.”

I do not understand this provision about the approval of the Chancellor. Why could it not be the approval of the Legislature ?

“(5) The number of persons to be elected by the elected Members of the Council of State and the Legislative Assembly from among their own numbers shall be four and eight, respectively ;”

This is a concession.

“(6) The number of persons to be appointed by the Chancellor under clause (xv) of sub-section (1) of section 18 shall be twenty-five, of whom not less than eighteen shall be appointed to secure the representation of minorities not otherwise in his opinion adequately represented ”.

I need not read the other provisions. You will find that whereas the number of nominated members contemplated in the original Bill was 15, it is now 25. The number from registered graduates continues to be 25. Besides, you have added a certain number of officials under these heads. You have increased the number of men to be nominated by the Governor General. Therefore, I am right in saying that the Court has been further officialised in the process of discussions in the other place.

If you contrast this with the constitution of the Court in the Allahabad University, you will find that in Allahabad we have a lesser official element. We have got the Chancellor, the Vice-Chancellor, the Ministers (of course the Ministers are not officials), the Chief Justice of the High Court at Allahabad, the Lord Bishop of Lucknow (a very useful member), Members of the Executive Council and of the Academic Council and other *ex-officio* members. Then we have got life members. Then we have got graduates of the University elected by the registered graduates from among their own body. They are 30 in number. Then there are persons nominated by Associations or individuals making to the University donations or annual contributions of an amount to be prescribed by the Statutes to or for the purposes of the University. Now, Sir, if we could have a clause like that, and if the Mussalmans would take advantage of a clause like that by contributing generously to the Delhi University, many of their so-called communal difficulties would be solved. They could get a number of seats under this head. Further, in Allahabad we have persons

nominated by other non-academic bodies prescribed in this behalf by the Statutes and some persons elected by the non-official members of the Legislative Assembly of the Governor of the United Provinces and so on. I will not tire the House by reading the entire constitution of the Court. But if the Honourable Member will look at the constitution of the Court of the Allahabad University and compare it with that of the Delhi University, he will find that the constitution of the Court of the Delhi University is much more illiberal than that of the Allahabad University.

THE HONOURABLE THE CHAIRMAN : How long will the Honourable Member take ?

THE HONOURABLE MR. P. N. SAPRU : I may take about 45 minutes more, Sir. I am very sorry. I had intended to compress what I intended to say, but I am afraid, it may exceed 45 minutes.

HONOURABLE MEMBERS : "Adjourn, adjourn".

THE HONOURABLE THE CHAIRMAN : If you could finish in 10 or 15 minutes more, I could allow you to go on.

THE HONOURABLE MR. P. N. SAPRU : I cannot guarantee that I shall be able to finish in 15 minutes.

THE HONOURABLE SIR JOGENDRA SINGH : If the Honourable Member could finish in 20 minutes, we could go on.

THE HONOURABLE THE CHAIRMAN : If he will only condense what he wants to say, he can finish.

THE HONOURABLE MR. P. N. SAPRU : I may be able to finish in half an hour, Sir. I will try to finish as early as possible.

THE HONOURABLE THE CHAIRMAN : What is the sense of the House ?

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Better to adjourn till to-morrow, Sir.

THE HONOURABLE SIR MAHOMED USMAN (Leader of the House) : We can meet tomorrow, Sir.

The Council then adjourned till Eleven of the Clock on Saturday, the 28th August, 1943.

COUNCIL OF STATE

Saturday, 28th August, 1943.

The Council met in the Council Chamber of the Council House at Eleven of the Clock, the Honourable the Chairman (the Honourable Sir David Devadoss) in the Chair.

MEMBERS SWORN :

The Honourable Mr. John Dawson Tyson (Education, Health and Lands Secretary).

The Honourable Mr. Abbas Ashraf Said (Nominated Official).

SHORT NOTICE QUESTION AND ANSWER.

CIRCULATION OF DELHI UNIVERSITY (AMENDMENT) BILL.

144. THE HONOURABLE MR. HOSSAIN IMAM : Was the Delhi University Bill circulated, if so, to whom ? Was any opinion thereon received, if so, from whom and when ? Was the opinion, if any, sent to members of the Central Legislature, if so, when ? If not, why not ?

THE HONOURABLE SIR JOGENDRA SINGH : The Bill was sent to the authorities of Delhi University for opinion. The opinions of the Executive Council and Academic Council sitting together and of the Court of the University were forwarded to Government by the Registrar of the University on the 13th May, 1943. Copies of the opinions of these three bodies were circulated to members of the Legislative Assembly when consideration of the Bill was taken up during the session just closed. Copies have now been circulated to members of the Council of State.

THE HONOURABLE MR. P. N. SAPRU : When was the Bill sent to the Delhi University Court and the Executive Council for opinion ? Was it sent after proposals had been formulated in the shape of a Bill or was the Executive Council and the Court consulted at an earlier stage, that is to say, before the introduction of the Bill in the Legislative Assembly ?

THE HONOURABLE SIR JOGENDRA SINGH : It was sent after the Bill had been drafted and introduced.

THE HONOURABLE MR. P. N. SAPRU : In view of the fact that the recommendation of Sir Maurice Gwyer is that it should be the chief link between the cultural world of India and the cultural world of other countries, why was not the Bill sent to the Provincial Universities and other educationists for opinion ?

THE HONOURABLE SIR JOGENDRA SINGH : That contingency will arise when the University is established according to this Bill.

THE HONOURABLE MR. HOSSAIN IMAM : Why has not the opinion of the Vice-Chancellor been taken on this subject.

THE HONOURABLE SIR JOGENDRA SINGH : He was an officer of the University and we were well aware of his views.

THE HONOURABLE MR. HOSSAIN IMAM : Are they against the recommendations of the Executive Council and the Court ?

THE HONOURABLE SIR JOGENDRA SINGH : They are generally in favour of the proposals in the Bill.

THE HONOURABLE MR. HOSSAIN IMAM : Do we take it that he had a hand in framing the Bill ?

THE HONOURABLE THE CHAIRMAN (The Honourable Sir David Devadoss) :
• How does that arise ?

THE HONOURABLE SIR JOGENDRA SINGH : That does not arise.

DELHI UNIVERSITY (AMENDMENT) BILL—*contd.*

THE HONOURABLE THE CHAIRMAN (The Honourable Sir David Devadoss) :
How long will you take ?

THE HONOURABLE MR. P. N. SAPRU (United Provinces Southern : Non-Muhammadan) : I will try to cut it short. I will not give you a definite time, but I shall not be very long. I shall try to cut it—

THE HONOURABLE THE CHAIRMAN : Is it a lawyer's ten minutes !

THE HONOURABLE MR. P. N. SAPRU : I happen to be a lawyer, and therefore my word may not be trusted if I say I will finish in ten minutes ! But I shall try to cut it short as far as possible. I realise that there are other speakers who must also speak and we have to finish as early as possible.

Sir, when we broke up yesterday, I was dealing with the question of the constitution of the Delhi University Court and I was instituting a comparison between the constitution of the Delhi University Court and the Allahabad University Court and my main endeavour was to point out that the constitution of the Allahabad University Court was more liberal. I will just indicate in what directions I regard the constitution of the Allahabad University Court as more liberal. In the Allahabad University the Chancellor can appoint 15 members of whom not more than five may be appointed to secure the representation of minorities not otherwise adequately represented. Now, Sir, here we find that the number of persons to be appointed by the Chancellor will be 25 of whom 18 must at least be representatives of minority interests. I am not going into the question at the moment of minority representation. I have made by submissions. I think you have conceded to communalism, though you have not conceded to communalism through election which I prefer to nomination.

THE HONOURABLE SIR JOGENDRA SINGH : Conceded to partnership.

THE HONOURABLE MR. P. N. SAPRU : There are electoral devices short of communal representation whereby minority representation could be secured. Therefore, you have taken advantage of this minority business further to officialise the Bill. That was the point that I had in mind and that is why I referred to the Allahabad University.

It may be said that the number of registered graduates in the case of Allahabad is certainly larger because Allahabad is an older and more established University. I do not know whether all the Punjab graduates residing in Delhi can join the Delhi University as registered graduates. Well in Lucknow I think they can. In Benares those of us—and I was myself educated partly at the Central Hindu College, Benares—and those of us who graduated from the Central Hindu College were allowed to join as registered graduates. That is one way of increasing the number of people eligible to be registered graduates. Now, Sir, the number of registered graduates in our University who can be elected to the Court is 30. Here the number has been fixed at 25. Whereas the number of nominated seats has been increased the number of elected seats remains exactly as it was when the Bill was originally introduced.

Then, Sir, we have in the Allahabad University—and I am taking the Allahabad University just as a model because I am most familiar with the constitution of the Allahabad University : I know the constitution of the Lucknow University and other universities in my province but I am not going into those constitutions—in the case of the Allahabad University, associations who contribute Rs. 25,000 and individuals who contribute Rs. 10,000 can nominate a member to the Court. Similarly associations or individuals who make an annual contribution of Rs. 5,000 can nominate a member to the Court as long as the contribution lasts.

Now, Sir, I find that no similar effort in reconstituting the Court has been made to provide for representation of this type. I know, Sir, that the Delhi University is a federal University and that the colleges also will need grants, that there is provision for representation in the Delhi University Act of the Governing Body of the colleges. It may be urged that the University does not want to enter into competition with the colleges. But, as a matter of fact, Sir, the University by appointing university teachers and professors and readers, by insisting upon co-operative teaching—and I think it is a good thing to have co-operative teaching—for example, I should like teaching for the pass course to be handed over to the colleges and that for the post-graduate and honours courses I would retain in the University. The University has entered into competition with the colleges. I think, Sir, if you want to make the University a really big University then you must approach the public in the right way. You must go and tell them, "Well, here is something that you can get if you donate to the University". If I feel that I shall have a representative in the University I shall necessarily say to myself, "Well, let me perpetuate my name"—it is a very natural feeling in an egotistical society—"Let me perpetuate my name by contributing something to the University" and

the benefit is that you get the association of public opinion, of philanthropists and so on. Now, Sir, here in the Delhi University I find that patrons can be appointed on the recommendation of the Executive Council by the Chancellor. I am thinking of the original Act. Now, Sir, why? Why should you not have an automatic rule which would enable an individual by giving or contributing something to the University to become a member of the Governing Body of the University? Therefore, Sir, if you look at the list of officials who are members of the Court you will find that they are, I think, less than the number of officials provided for in the Delhi University.

Then, Sir, I come to the Executive Council. In the Executive Council I find that two more members have been added to represent women. The Chancellor will nominate four, two of whom shall be women hereafter. I think, Sir, I can with honesty say that there is no greater advocate of the feminist cause than myself in this House. I believe in the absolute equality of sexes and I would like women to take a legitimate and adequate share in the public, educational, social and economic life of this country but if there is one thing that I have noticed about women's organisations it is this. When, for example, the Reforms Scheme was being discussed in England and before the Franchise Committee I think the representatives of women's organisations took the line that they did not want any special representation for themselves. In our province, women have been able to stand and stand successfully against very able candidates and win seats for themselves both in the Court of the University and in the Legislature of the province. I should certainly like women to be given representation but, assuming that it is necessary to give representation to women in the Executive Council, why must it be nominated representation? Why can you not have a clause that two of the seats in the graduates' constituency shall be reserved for women? If the number of women graduates in Delhi is very small, why cannot you ask the All-India Women's Conference or the Delhi Branch of the All-India Women's Conference to elect representatives to the Delhi University?

I was glad to find, Sir, that on this question the view of the woman member of the other House is exactly more or less the same as mine. You have not even in regard to this matter the support of your own nominee of the special interests that she represents.

Well, Sir, then I shall come to the Academic Council. I notice in the Bill that non-teachers are to be appointed by the Chancellor, non-teachers, that is to say, who are experts in some branch of education. Now, Sir, in the Allahabad University, which owes its inception to the noble work of my late distinguished leader Sir C. Y. Chintamani, there is a provision that there should be in the Academic Council five elected representatives of the Court not connected with teaching. I was one of the five representatives on the Academic Council for a number of years, and I do not see any reason why the Court of the Delhi University should not be considered fit to send expert representatives, not connected with teaching, to the Academic Council. If the intention is that you must have adequate representation of minorities, surely that can be secured by other methods than that of nomination. There is the method of cumulative voting; there is the method of proportional representation. I do not, I say in a most definite manner, accept the view that the object is merely to provide representation for minorities.

Then, Sir, I find that five representatives are to be nominated by the Chancellor to the Academic Council for representing Islamic studies and culture. I am very glad that Islamic studies and culture are going to be represented in the Academic Council. I should have liked these representatives to be elected, here again, by some such method as I have suggested—reservation of seats, or cumulative voting, single transferable vote, or any other method of proportional representation. But apart from this objection, a very legitimate question that I want to ask is this. Why is there no provision for the representation of Hindu studies and Hindu culture? I am not antagonistic in the slightest degree to Urdu. I am a devoted member of the Hindi Sahitya Sammelan, but I equally wish well to the Anjuman-Taraqqi-i-Urdu. I do not understand this differentiation between Hindu and Islamic culture. If a particular type of culture is to be represented in the University, the other type of culture ought also to have representation in that body. I think an explanation is called for on this point. It is claimed that Government has not given way to communalism. I maintain that Government has given way to communalism. But

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it has not given way to communalism by the method of the open door. Between the sly method of introducing communalism and the method of the open door, I frankly say that I prefer the method of the open door.

Then I come to another question. When I studied the Delhi University Act in connection with the Bill which has been introduced here, I found that there was no provision in this Bill or in the original Act for a body which I think is useful from the point of view of the public. In the Allahabad University we have a body which we call the Committee of Reference. It consists of 15 elected representatives of the University Court. These representatives must not be members of the Executive Council. The function of this body is—I will not say to exercise supervision, because its powers are limited—to keep a watch over University expenditure in certain ways. I will tell you how. All recurring expenditure of over Rs. 3,000 and all non-recurring expenditure of over Rs. 10,000 has got to be accepted by the Committee of Reference. If there is a difference between the Committee of Reference and the Executive Council, then either the difference can be resolved by a joint sitting, or the matter can be referred to the Court. I will give you the exact position. I had noted the Statute down—

THE HONOURABLE THE CHAIRMAN : Should you compare the two Acts word by word ?

THE HONOURABLE MR. P. N. SAPRU : That is one of the modern Acts, and I am instituting a comparison in order to show that there has been an effort at officialisation so far as the Delhi University is concerned.

THE HONOURABLE THE CHAIRMAN : For that purpose it is not necessary to compare the two Acts word by word.

THE HONOURABLE MR. P. N. SAPRU : Sir, I have dealt with the question of the powers of the Executive Council as regards affiliation and withdrawal of recognition, and I will not say anything more on it. I will leave the relevant section to be given by my Honourable friend Pandit Kunzru—

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : No.

THE HONOURABLE MR. P. N. SAPRU : I will give it at the third reading or some other stage.

I come now to the question of a whole-time Vice-Chancellor. Sir, I may frankly say that I am entirely and wholeheartedly with the Government in regard to this question. I think the work of a modern university, even though it be of a federal type, is of such a character that you need a whole-time Vice-Chancellor. In the Report of the Sadler Commission the Vice-Chancellor's functions were defined. Although they were dealing only with Calcutta, we know the Report had a wider import. This is what they say :—

“ He should be *ex-officio* a member of the Executive Council, and a member and Chairman of the Academic Council, and should be entitled to be present and to speak at any meeting of any constituted body of the University, but not to vote unless he is a member of the body concerned. In view of the importance and the exacting nature of the functions entrusted to him, it is essential that the Vice-Chancellor should be a salaried officer, and should devote his whole time to his work. Further, in view of the complexity of the task of organising and directing the University and of representing it in negotiations with Government and with various educational bodies, it is of the greatest importance that the Vice-Chancellor should be a man of high academic standing, distinguished record and ripe experience ”.

This is what they say about the Vice-Chancellor's functions. My own experience, if I may just draw upon it, of the two Universities of Benares and Allahabad has convinced me that it is impossible for the normal work of a Vice-Chancellor to be performed by public men or distinguished lawyers who can devote only a portion of their time to it. We are very fortunate in our Vice-Chancellor. The Allahabad University has fortunately got Pandit Amar Nath Jha, a man possessed of dynamic energy. The Vice-Chancellor has to work daily for about 12, 13 or 14 hours. I have known him working on days for 16 or 17 hours. I have known Pandit Iqbal Narain Gurtu, Dr. Ganga Nath Jha and Pandit Amar Nath Jha working all these long hours. The Vice-Chancellor must keep himself in touch with the students. He must devote about a couple of hours every day to meet the students. He must look after all the office work and he has to preside over numerous meetings and committees. He has also got to do a great deal of secretariat work. It is not possible for any part-

time man to do all that work. The Delhi University has so far been fortunate in having the services of a very distinguished scholar for nothing. He has been giving his time for love of education. But you cannot depend upon getting a man who can devote his whole time to university education, who can make a passion of university education, for all time. Further, if I may say so, I have a little prejudice against non-educationists so far as educational questions are concerned. There are some men in the public life of this country who have an academic outlook. There was Sir Asutosh Mukherjee, there is my friend Dr. Hirday Nath Kunzru, who is an authority on education in our province. There is Pandit Iqbal Narain Gurtu, partly drawn from public life and partly drawn from the educational field. There are some men of exceptional ability in public life who can take a broad academic view of questions of academic administration. But my experience of the High Court Judges who are often nominated as Vice-Chancellors has not been of a very happy character. Sir Shah Suleiman was an exceptional man. I am talking of the average type who finds himself nominated as Vice-Chancellor, *viz.*, retired members of the services in their dotage, ex or retired Ministers or Executive Councillors for whom some honorary work has got to be discovered because he has always spent his life in getting some Government job or other, a retired member of some service—

THE HONOURABLE THE CHAIRMAN : - Should you labour this point so much ?

THE HONOURABLE MR. P. N. SAPRU : I will not labour this point any further, Sir. I know I am treading on delicate ground. I say that I give my full and whole-hearted support to the proposal that the initiative in regard to the appointment of a whole-time Vice-Chancellor should rest both with the Chancellor and the Executive Council. I will give you my reason for it. I am rather apprehensive that there will be a feeling in some of the members of the Executive Council that they should not have a whole-time man to guide their destinies, and it may be that they may not look at the question from a whole-time point of view. I know, Sir, that in taking this line I am differing from an educationist of the eminence of Dr. P. N. Banerjee. But I do earnestly hope that when Sir Maurice Gwyer retires, Government will not delay a decision on this question and that the Delhi University will have a good whole-time Vice-Chancellor. But while I approve of the suggestion that you should have a whole-time Vice-Chancellor, I do not approve of the procedure that you have prescribed for selecting the Vice-Chancellor. It would be more correct to say that I partly approve of it. That would be more correct. I approve of the principle of an Appointments Board and I have hardly any criticism to offer so far as the construction of the Appointments Board is concerned. But the procedure, as I understand it, is this. The Appointments Board which will be partly selected by the Executive Council and partly selected by the Chancellor, will meet. It will submit three names to the Executive Council and the Executive Council will make recommendations to the Chancellor. I see no reason why the Executive Council should not have been made the electing body. There would have been three names before it. You could have introduced the system of cumulative voting ; you could have introduced the system of proportional representation ; you could have introduced some other such device for securing a fair election. The advantage of having a man elected by the Executive Council would have been this. He would have been able to work in harmony with the Executive Council. Why is it said that responsible government is a superior type of government to other forms of democratic government ? Where is the excellence of responsible government over the presidential system of government or over the Swiss federal system of government ? The excellence of responsible government consists in this that it enables the Executive and the Legislative organs of Government to work in close and harmonious co-operation. Therefore, Sir, the principle embodied in the Lucknow and Allahabad Universities of the Court or the Executive Council electing the Vice-Chancellor is quite all right. The principle embodied in the Lucknow University Act that the Vice-Chancellor should be elected subject to the confirmation of the Chancellor should have been accepted. Here again my quarrel with the Government is that they have attempted to officialise the University and officialisation, as I have said before, hampers academic freedom.

The Faculties are, I find, far too few. I do not understand, for example, why the Lady Hardinge Medical College, which is governed by a Governing Body, and which is affiliated to the Punjab University, though it is an all-India institution—we cannot

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have so much objection to its being affiliated to Delhi as to the Punjab University because Delhi is neutral ground—has not been affiliated to the Delhi University and why it has not been made the nucleus of a big medical faculty. I had very much to say about the way in which medicine is taught in this country but I would not go into that question now. I hope, Sir, that the Delhi University will have a good Medical Faculty.

Then I understand that you are going to have a Polytechnic Institute. Why should you not have a Faculty of Technology? Why are you not instituting a Faculty of Commerce? These are subjects which our young men ought to learn. Why are you not starting a Faculty of Agriculture? You have got an institute here for post-graduate work. The Honourable Sir Jogendra Singh wants us to develop an agricultural bias. But there is no agricultural bias in the Bill before us.

THE HONOURABLE SIR JOGENDRA SINGH : We are doing all that.

THE HONOURABLE MR. P. N. SAPRŪ : Why are you not starting a Faculty of Engineering, mechanical, civil and electrical? These are lines on which you should develop. You have got very ambitious aims in view. You want Delhi to become an All-India institution. It is a very ambitious thing and it affects the rights and privileges of provincial universities. You want to come into conflict with provincial universities. I think you should concentrate not on making Delhi an All-India University but an efficient University. London has never replaced Oxford and Cambridge—London is the metropolis of the British Empire. I am not aware of a university at Canberra and if Canberra were to claim that it should have a university superior to Sydney and Melbourne, there would be any amount of controversy between the Federal and State Governments. Therefore, do not talk of making this into an All-India institution. Try to make it an efficient University and if you make it a good University you will have done your job.

Now, Sir, I come to a very important question from my point of view. I have been studying educational thought in England in this war period and one thing that I notice is that there is a movement among the working classes for recognition of their right to equality of opportunity so far as education is concerned. Oxford and Cambridge, other British universities, have been criticised on the ground that they are meant only for the privileged few. There is, as we know, in Oxford and Cambridge a generous system of scholarship. Even Conservative British opinion is against this tendency to restrict the benefits of higher education to the privileged few. I think it is not sufficiently realised that education in this country has become a very expensive affair. You must enable the lower middle classes and the working classes in this country to achieve that equality of opportunity which is fundamental for the progress of a modern community. I should have therefore thought that there would be some indication forthcoming that simultaneously with these reforms of higher secondary education and university education, there would be a generous system of scholarships by the State—and the State will, of course, approach private individuals also who have made money out of the war—for the poorer classes of this country. I should not lower my tests. I do not stand for inefficiency in education. But I do not believe that university education should be the privilege of the maharaja or a big talukdar. I think our best boys are drawn from the villages and I should like, therefore, this question and I shall probably be raising it in the next session of the Council of State—this question of so organising our education as to make it within the reach of everyone at least up to the secondary stage taken up by the Government of India.

Then, Sir, I find that there is no representation of Labour provided for in the Bill. If there is any class of persons which deserves representation, it is Labour. I need not say anything about block grants and the Grants Committee. I will not tire the House with the experiences of the Allahabad University in regard to this matter. The system of block grants has again been revived in Allahabad. I was glad to find that Dr. Zia Uddin Ahmad had a great deal to say about it in the other place and I shall not tire the House by repeating what he had to say. My own view is that there should be a Grants Committee on which educationists should be adequately represented. We should not be left to the tender mercies of the Finance Department.

Then, Sir, I come to a very important point. I was sorry that allegations were made by my friend Mr. Hossain Imam against the appointing authorities of Indian

universities. With two of these universities—one of them is a denominational and you may call the other a State university—I am intimately connected and I have alternatively served on the Selection Board of the Allahabad University in Commerce and in Law for a number of years. My friend Mr. Hossain Imam may take it from me—I am speaking as a man of honour and I say this with a full sense of responsibility—he may take it from me that we get unfortunately, to our infinite regret, hardly any Muslim applications worth even considering in Science or Commerce subjects. I do not know what the reason for that is. It is for him to induce the boys of his community to take up these subjects. I will give you a reason. I come into touch with a large number of Muslim students. I am very fond of them; they are very well behaved, they are intelligent, they are industrious, they are very good sportsmen. But the Muslim community has unfortunately been spoon-fed for a long time by the British Government and the mentality is this: “We have got a certain proportion reserved for us in services. We need not bother very much about getting educational efficiency. We will take the easiest way to a pass. We will take Persian, Urdu and English Literature and we will get through”. That is the mentality which dominates unfortunately many Muslim students and I should like this mentality to be attacked by leaders of the Muslim community. Believe me, I am speaking as a friend of my Muslim students. I want them to flourish just as I want Hindu students to flourish. It is therefore wrong to attack the Selection Committees on the grounds on which Mr. Hossain Imam has done. If you examine the records, the applications that Selection Committees get—and we have Muslim representatives in the Selection Committees—you will find that the applications in a large number of cases of Muslims in Science subjects are not very discussable. In our University we have got very eminent men in Science, Professor Krishnan, a Fellow of the Royal Society. We have got Dr. Bawa Kartar Singh, who is an Sc. D. of Cambridge—a rather rare degree as Sir Ramunni Menon will tell Mr. Hossain Imam. Are we to tell Professor Krishnan that we shall allow our research to be done by an aspirant for a university job whose only claim is that he is a Muslim? Is it his contention that we shall allow post-graduate teaching to be done by him? The Honourable Mr. Hossain Imam said that in Allahabad in the Faculty of Science there is not a single Muslim. In point of fact he was not absolutely accurate. There is one Muslim at least in the Allahabad University. I think the Honourable Mr. Tyson said in the other House that if you want weight you must pull weight and this is what I would say to my Muslim friends.

Sir, I have covered the ground which I had intended to—not perhaps the entire ground—but I have covered most of the ground I had intended to. Let me summarise now.

Sir, so far as the reorganisation of secondary education and higher education on the lines recommended by the Bill is concerned I am in agreement with the Bill. I find, Sir, that there is a tendency in the Bill to over-officialise the University. With that tendency I am in entire disagreement. The Bill, in my opinion, however, is educationally sound in its basic conception and therefore, Sir, I think I can, speaking for myself, and for the Party also, say that we shall not be a party to any attack on the Bill. We cannot vote against the Consideration Motion. I support the Bill.

* THE HONOURABLE SAYYED MOHAMED PADSHAH SAHIB BAHADUR (Madras : Muhammadan): Sir, the claim has been put forward on behalf of the Government that this Bill is designed to bring about a University which will not only amply and efficiently cater for the educational needs of this province but which will, in fact, be a model university, a model to copy and follow.* Sir, this is indeed quite a legitimate and laudable ambition and we who come from other provinces do not grudge in giving our help to the Government in its object, but before we give our support to them it is but natural that we should satisfy ourselves as to the efficiency of the scheme which is proposed to bring about this result. We have to satisfy ourselves as to whether this stupendous undertaking is attempted to be launched in circumstances and under auspices which are really good and favourable.

Sir, as regards the three-year course I may at once state that I am in favour of it. This three-year course though in itself it might be a very desirable reform cannot be expected to bring about that change in the educational system of the country which the present and future needs of India require. Sir, as to the way

* Not corrected by the Honourable Member.

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in which this three-year course has been introduced or is being introduced in the Delhi University, I would make comment a little later but at this stage the point that I wish to emphasise is that this is not the only direction in which reform is called for in the educational system. The whole system of education in the country, as you know, Sir, has become out of date. There is need for change in the whole educational system, need for drastic change, need for change not only in the university stage but also in the secondary and even in the primary stage. Sir, therefore, the Government in trying to introduce this reform, to begin this process of reformation at the university stage, is doing a thing which is topsy turvy. It is trying to build from the top. It will be conceded, Sir, that we cannot strengthen or enlarge a superstructure leaving the foundation on which it is based to continue to be weak and rotten. As you know, Sir, it is not this kind of patchwork that is necessary to reform the educational system of the country but what really is required is a thorough examination, a thorough investigation and overhaul of the whole educational policy in the country. Those Honourable friends in this House who have studied the educational problems in the country more seriously would know that the present system of education was launched in this country about a century back, and that since then there has hardly been a real, earnest attempt made to review the system. There have been certain Commissions now and then. There has been the Hunter Commission, there has been the Sadler Commission and a few other attempts made to investigate the question of education in the country but all these Commissions were handicapped on account of the fact that not one of them concerned itself with the educational problem as a whole. Either these Commissions confined themselves only to one stage of education or to one province in the country, but none of them ever tried to visualise the whole situation in the country, to find out how this educational policy has worked in the country and whether it has been a success so far as it has produced results commensurate with the labour, energy and money spent upon it. Whatever might be said of the other policies pursued by the Government in this country—much is not said about them which is favourable—the policy which the Government has pursued in the matter of education has, I believe, failed to bring about the results which can supposed to be commensurate with all the labour and all the attention which the Government professes to bestow upon education. Sir, it is a matter of extreme regret that India, which has been the cradle of great civilisations, India where Dravidian civilisation, Aryan civilisation had flourished so much, India to which had been brought the culture of which Islam had made such great contributions with the advent of the Mussalmans to this land, has now become the most backward country in the world, judged from the proportion of the literate to the illiterate section of the population. Therefore, Sir, it is obvious that it is not this kind of piecemeal work that could really bring about the desired change in the educational system of the country.

Again, Sir, there are a number of things which the present educational policy of the Government has failed to do in this country. What is it, Sir, that has actually been done to develop vocational and technical training in the country? You know, Sir, there has been a cry of late, in recent years, to try and train people for taking up industrial activities in the country and you know this also that the country is not lacking in the talent required for such industrial enterprise. The very fact that within the course of only one year during which under the stress and strain

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of war Government was forced to train people for technical jobs as a result of which thousands of Indians have been able to come out from their training courses as very useful and efficient technicians, shows that India does not at all lack in the capability, in the quality, required of people who have got to undertake industrial enterprises. This cannot be denied by anybody. From a perusal of the Bill—I confess that I have gone through it only cursorily—I find there is hardly any provision for developing this technical and vocational bias in the Delhi University. I would like to submit that in trying to develop this aspect of training it is necessary that Government should not only have good, well-equipped staff, but that they should also give some sort of encouragement to the students to take up technical and vocational courses. They ought to institute scholarships for students who join these courses, and in doing so they should also keep in view

the interests of those sections of the population which have been ignored all along in the distribution of the benefits and advantages of the facilities offered for education. I mean that Government should, while granting such scholarships, take care to see that a great part of them, a substantial portion of those scholarships or fellowships, go to people of those nationalities or communities which have not had their proper share during all the years that the educational system has been functioning in this country.

I will now make a few observations about the three-years' course. I will not dilate on that for any length of time, as much has already been said about it. All that I would like to say is this. The change proposed is really a very drastic change, even though it may be a desirable change. This was contemplated some years ago. So far as I can recollect, it was contemplated nearly three or four years ago. Actually this question was brought up before the Court of the Delhi University some time last year—about the end of July last year. The Honourable Adviser to the Central Government will admit that grave doubts were then expressed as to the feasibility of this course if it was launched without any preparation on the part of the University. Most of the people were in favour of it, but they had doubts as to whether it could be introduced immediately, they had grave doubts as to whether it could be effectively introduced without the ground being prepared for it beforehand. It was asked whether if it was introduced without preparation the immediate effect would not be very injurious to the student population. At that meeting an assurance was given that steps would be taken to see that all these adverse consequences did not follow.

I will just refer to one difficulty which was considered to be one of the main difficulties—I mean the question of migratory student population. To set doubts on this question at rest, it was said that Government would take steps to see that there was no difficulty about this migratory element, that the students coming to and going from the Delhi University would get admission in the respective colleges. But even though more than a year has elapsed, nothing has actually been done to bring about this co-operation on the part of other universities of the country. Government have failed even to consult universities beforehand, before they actually prepared the Bill, as it was admitted a few minutes ago during the Question hour in this Honourable House. Any university which functions in this land has got to work in consultation and in co-operation with other universities. If this is the case with every university in this country, much more is the case with the Delhi University, because Delhi is a place where a very great portion of the student population is of the migratory kind. Here you have got a good number of students who are children of officers who come to Delhi only as birds of passage. Many students come here from other parts of the country, and in the middle of their course they are forced abruptly to cut short their studies in the University and seek admission in other universities. Therefore, it is quite obvious that this scheme which it is intended to launch in the Delhi University, this scheme which makes a serious departure from the system followed in other universities, should have been put to the other universities and those universities should have been asked to give their consent, and they should also have been requested to suggest ways and means by which it would be possible for them to co-operate with the Delhi University in this undertaking. You know that you have made the securing of this co-operation most difficult, if not impossible, by the way in which you have gone about your task. The very fact that you have ignored those universities, the very fact that you did not agree to consult them beforehand, gives them the impression that you wanted to ride roughshod over their feelings, that since you happen to be at the capital of the Government of India, you wanted to dictate to them. And you know how such a course would be resented by those universities. And you can imagine in these circumstances how unwilling those universities would be to co-operate with you and help you to make a success of this experiment.

Sir, I am surprised also to find that though in the other House at some stage of the discussion over this Bill almost a promise was given, at least hope was given, that the other universities would be consulted about this measure, on account of something which happened in this House, on account of the alleged failure of the

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non-official members of this House to carry out the fiat of the Government and withdraw their Motion for Circulation, the Government omitted to consult those universities. I am told that the Education Secretary in the Legislative Assembly promised that he would consult universities if only the Motion for Circulation of this Bill were withdrawn. But since the Motion was not withdrawn—it was pressed to a division—as a retaliation—we have just passed the Reciprocity Act—the Education Secretary thought that it was against the prestige of Government to consult universities and oblige the Assembly in this respect when they had not the courtesy to abide by the dictates of the Government and withdraw the Motion for Circulation. This is not the way in which a serious matter like this should be handled.

One of the most important features of this Bill, which seems to be a retrograde feature, which is far from being a measure of good reform, and which strikes me and most of my Honourable colleagues on this side of the House as a step in the wrong direction, is the proposal to vest the powers of affiliating and disaffiliating colleges in the Executive Council and also in a majority. The very body in which you want to vest this power has stood against it. In one of the resolutions they had passed, they had told you that they were not in favour of this being done by a bare majority of that body. When they themselves do not feel confident of doing justice in a matter like this if it is left only to a bare majority, you have such fund of faith in that body. As has been characterised by my Honourable friend Mr. Sapru, a great portion of it is under official influence. You have such faith in them that you feel that quite a bare majority, even the difference of voting between the Ayes and Noes will be quite enough to do real justice in this matter. The Court of the Delhi University has also opined that such a step is a retrograde step, that it is against the very spirit of the present Act and that it is against the spirit of democracy.

Just one word about what my Honourable friend Mr. Sapru said when he concluded his speech, Sir. I am sorry that such a fine speech he made, which we had such great pleasure to listen to, should have been marred just at the end by the observations which he made in regard to the rights and interests of an important element in the population of this country. The Honourable Mr. Sapru, lawyer as he is, merely wanted to score only a debating point. He said that it is because the Mussalmans have an assured place in the Government services, it is because they have their reservations in the Government services, that they take things easy, they do not want to put themselves to the harder tasks of learning Science and getting instruction in harder branches of studies. But, Sir, Mr. Sapru himself knows in his heart of hearts that that is not the explanation of the present situation. You know that the position is just the reverse. You know, Sir, that for all these years there has been an attempt on the part of communities to get their due share in the governance of this country, in the higher services of this country. There has been an incessant cry, both in this House and in the other place, about the paucity in Government services. You know, Sir, how this and the other House has been enlightened as to the ways and the devices which are adopted to cheat the Mussalmans out of their due share not to speak of any concessions that are supposed to be given to them. This cry would not have been here otherwise and in support of my contention I would cite another incident. The Honourable the Leader of the House, who is one of the experienced administrators in this country, who has long standing experience, who was the head of one of the three big provinces, Madras, for some months, that statesman, that administrator, himself had to admit the justice of the grievance, had to admit that the Mussalmans had not been given a fair deal. It is too late in the day now. It is simply light-hearted to say that since the Mussalmans have got an assured place in the Government, they take things easy. The fact is just the reverse. Mussalmans are not admitted to such studies. I can quote instances. I have been on some selection committees. But for the fact that I was there, a number of Mussalmans would have been refused admission. I do not want to go into details but I want to tell my Honourable friends Mr. Sapru and Dr. Kunzru who say that these things are not done. Other people are not equally so broadminded. Unless people in this country take broad views, unless they forget that they have to think only of the rights and privileges of their own people, or simply that they should sit tight over the vested interests which they have secured, you cannot hope for any change in all those better, more honest and less

controversial methods. Unless you have recourse to such methods as giving separate representation to Mussalmans in respect of selection to services or admission to higher studies, you cannot do the thing fairly. I do not want to say much about this at this stage. I have already said that on account of these objections that we have to this Bill and on account of the fact that in spite of all the efforts that we made in the other House for improving the Bill the Government have not cared to respond to the wishes of the Mussalmans—and that in spite of the fact that Government themselves have admitted the justice of our grievances—since Government have refused to do bare justice to us, we refuse to co-operate with the Government in getting this Bill passed in this House.

THE HONOURABLE MR. JOHN SARGENT (Nominated Official): Sir, I am quite sure that any new member like myself, who has the honour of addressing the House for the first time, will receive the utmost kindness and indulgence. I do venture, Sir, to claim that indulgence for my own limitations. But I am not anxious to claim any indulgence or to make any apology for this particular Bill. As an educational measure I venture to say that while by no means perfect, it is a desirable one. It may be unlucky to have got involved in other and larger issues. But with regard to the scope of the Bill, it is not the object of this Bill to create a model University although that may be, and I hope is, the ultimate aim of the University authorities and of the Government of India. That is an ultimate aim. It has been said that you cannot make a man good by Act of Parliament and I do not believe that you can make universities good by legislative action. But this particular measure does seek to clear the road and to smooth the way towards the attainment of our ultimate object.

I should like to make it clear at this stage that the objective of the University is not to become a vast omnibus covering every conceivable aspect of learning and competing with other established universities of this country. The objective, as I understand it,—I have been in fairly close touch with recent developments,—is quality rather than quantity. We do not aim at a vast university; we do not aim at an all-comprehending university. But as was stated in the Vice-Chancellor's memorandum, the aim of the University, particularly in those subjects which may be regarded as particularly related to the art of government, is that it shall have a status of an All-India character and shall be regarded as a home of absolutely first class learning.

This debate has been conducted hitherto on a very high level; occasionally I have felt that we have been so high that we have got into the rarefied atmosphere of academic speculation. I personally do not complain of that at all. It is always a delight to me to find educational issues of a wide kind considered in any Legislative Assembly. It cannot be said that hitherto in any part of the world they have occupied an undue amount of the legislators' time. But, Sir, I hope I shall be pardoned if I attempt to fill in the background against which both the reorganisation scheme for the Delhi University and this present Bill, which is connected with it, may be seen in a truer perspective.

The Honourable Member in charge of Education, Health and Lands has said that probably five years ago very few people in this country would have been prepared to say that the University of Delhi had fulfilled the high hopes which were expressed at the time of its foundation. I can speak with a little personal knowledge in that connection, because it so happened about five years ago I was appointed as a member of a committee to inspect the colleges of the University. Since my two colleagues were both distinguished Indian gentlemen, one a Hindu and one a Muslim, I hope it will not be thought that our investigation was in any way biased or prejudiced. Nor do I wish to take this opportunity merely to ventilate old grievances or shortcomings which probably had better be buried, since I am glad to say that a more successful and generally better regime has already been introduced into most of the colleges of the University. But, Sir, in the course of that inspection we did come across things in connection with the colleges which I think anyone interested in education could not but view with very grave concern. We found, for instance, that some of the colleges of the University—and I want to make clear that what I say only refers to some of the colleges—some of the colleges of the University were managed by bodies which were also responsible for the management of a number of other educational institutions. That of course is in no way to their discredit; but it did work in this way that the colleges for which they were responsible had no

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separate financial life ; their finances depended entirely on the other activities of the trust or body which was responsible and consequently it was impossible to plan any considered development or indeed guarantee teachers any permanence of security. An instance was mentioned in another place the other day, for which I myself could find parallels, of one teacher of unimpeachable record whose increments over a period of 14 years I think averaged about 10 annas per year. In many cases we found that in spite of scales of salaries being prescribed, increments were not in fact being given. Then we found that in other cases where scales of salaries were in operation they were in fact not being paid owing again to the unstable and uncertain financial situation of the colleges. We further discovered what from my point of view was more serious, that on the whole not only were teachers badly paid but they also enjoyed no form of security of tenure at all. In fact it was not an unusual practice for the majority of teachers in certain cases to be appointed temporarily for the period of the academic year, to be discharged at the beginning of the vacation and to be re-engaged on the opening of the next academic year. However necessary that might have been in the interests of economy, I am afraid no one interested in education would feel that such a system was likely to attract the sort of teacher that is essential if continuity and a high standard of scholarship are to be secured in any educational institution.

Turning to the University side at the same period one was concerned to find that the University, although it has always been implicit in its conception that it should take an effective part in the teaching of the University, possessed no professors at all. It had extremely little advanced teaching. It had certain essential Faculties, although others provided in the Act, as Honourable Members of this House have pointed out, were still non-existent. I refer to Medicine and Technology. The actual apparatus and buildings for the teaching of Science, for which the University itself had accepted responsibility, were of the most inadequate description. And thirdly, Sir, the relations between the University and colleges at that time were of a very unsatisfactory character. It is not a question of imputing blame in either direction. The colleges, or some of them, complained, I think with a good deal of justification, that they had very little voice in the management of the University. On the other hand, it was quite clear to those of us who attended meetings of the University bodies that the University was very largely controlled by two or three colleges and that those colleges had obtained a large proportion of the senior teaching posts in the University. As in most cases, there is something to be said here on both sides and it is fair to those colleges to say that by offering better salaries and better conditions of service they had on their staffs better qualified teachers than the other colleges which had been in a less fortunate position and the University could legitimately defend itself by saying that they naturally looked for the best teachers for their posts. That was what was found in the University five years ago. I would venture to say that if that condition of affairs represented a state of academic freedom which this Bill is seeking to destroy, then I am afraid I cannot set much store by it. In fact there was a general feeling, not confined to the members of the inspecting committee, that the time had probably arrived when the question of the future of the Delhi University must receive very serious consideration. The question, Sir, as it was defined at the time by a distinguished friend of mine was whether to end the University or to amend it.

Now, if the House will forgive me for one moment I must become egotistical. I have a certain personal responsibility in this matter. When I came out to this country it was given to me as a duty to endeavour to suggest, and not merely to suggest, if possible to show, ways and means of effecting improvements and developments in the educational system generally. Since, Sir, I have no authority over education in the provinces, and since I am a great believer in practical examples rather than theoretical precepts, it appeared desirable that my first effort should be to raise the centrally administered areas, which are directly under the Government of India, to a reasonable standard of efficiency. Now, Sir, normally any one, I take it, approaching a question of reconstruction in education would begin at the beginning and having created an effective system of primary education would proceed to build on that an efficient system of secondary or high school education and would then

turn his attention to universities and those higher branches of technical education which are on a university level. So far as the rest of the centrally administered areas are concerned we have attempted with such resources as the outbreak of war or other considerations have left us to follow that plan but in Delhi we began from the other end. I have been taken to task in another place for having used the expression that in Delhi we decided to build from the roof downwards. This has been taken as an instance of the hasty, ill-considered and generally stupid manner in which the Government of India have approached this question of reorganisation, but, Sir, as I have been informed by architectural friends of mine, in modern life it is not unknown to start building a building from the roof but if you do it presupposes even more care in your planning and even greater care in your construction. Now, Sir, my Honourable Member at the time agreed with me as to the advisability of adopting this cart-before-the-horse procedure in the case of Delhi, because we felt that something should be done about the University, because we felt most reluctant to see the capital city of this country deprived of all facilities for university education, and because we felt that in spite of its defects there were bright places in the Delhi University, that it had produced teachers and students who would hold their own not only in any company in this country but in any other company outside; that there in fact was something to build on. Furthermore at that particular moment there became available a man with the knowledge and the standing, the interest and the enthusiasm to implement any scheme of reorganisation which might be approved. I need hardly say that I refer to the present Vice-Chancellor, Sir Maurice Gwyer. In view, Sir, of those factors, after consulting Sir Maurice, we decided that it would be in the interest of higher education in this country that Delhi University should be taken in hand and that not only should it be put on its feet with Government assistance but that an educational experiment of considerable importance should also be carried out there. I am glad to say that we were able to persuade the Honourable the Finance Member and the Standing Finance Committee and the Legislature to vote a considerable sum of money to enable proposals of the Vice-Chancellor, which were approved by Government, to be put in hand.

Now, Sir, very briefly the aims of the reorganisation scheme were these. An essential thing in our opinion was to improve the status, salaries and conditions of service of teachers, particularly in the colleges, and that was not merely a humanitarian consideration but it had the further objective that if the colleges were put in a position to engage teachers at rates of salaries which compared with those in force in other university institutions in this country, if they were required to grant to them reasonable conditions of service, the teachers of the colleges would ultimately have a real opportunity of becoming recognised teachers of the University. Now, we have gone further than that by requiring consultation between the University and the colleges in regard to the appointment of teachers and also requiring that a large proportion of the college teachers should in fact be recognised teachers of the University. In so doing we had in mind an important educational and economic proposition and that was the institution in the University as soon as practicable of a system of co-operative teaching. This, Sir, may be an ambitious and optimistic aim. It does assume an amount of good sense, a desire to co-operate, a willingness to subordinate personal or even corporate interests, a bond between both the colleges themselves and the University and the colleges, which is not always found in human affairs and perhaps still less often in university affairs. Now, Sir, we had a definite aim in this matter and while I am perfectly prepared to hear Honourable gentlemen with more experience both of university education and of this country than I have say that there is no halting-ground between a purely affiliating university and a unitary university where the university itself takes full responsibility for all the teaching, I still think that there is a half-way house which has proved its value in my own country and I have not been able to see any earthly reason why granted adequate funds, granted teachers of appropriate quality and granted the spirit of co-operation, it should not be effectively introduced into this country. And, Sir, the object of the Delhi University reorganisation scheme is to try an experiment in a form of university for which no satisfactory nomenclature to my mind has yet been suggested. Like other people I do not like the word "Federal" but I cannot think of any better word to describe it; it is a university where the

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university is mistress in her own house but where the colleges, so far from being mere hostels, are honoured members of the family, with an important voice in any decisions which are taken affecting the common welfare. And, Sir, the developments which have taken place in the last year or two do not make me despair, and I see no reason why such a conception, which approximates to that of my own University, should not become operative in this country.

The main educational feature of this conception, to which a great deal of reference has been made, is of course the three-years' course. It is a main feature but I do not want it to be thought that it is the only feature in the reorganisation scheme. Members who will be good enough to read that interesting and important document prepared by the present Vice-Chancellor will see that it is a very wide and, I think, high conception of the possibilities of university education in this country. But the three-years' course is a very important educational idea, as, I am glad to say practically all members, however much they may approve or disapprove of the, technique of this measure, are prepared to accept. I will be very brief in explaining why it appears to me to be an important educational idea. The advantages which it will confer on universities are obvious. It will set them free to concentrate on work of university standard. It always causes me some concern, when I visit universities, to see in the crowded class rooms a large number of small—I would almost say very small—boys, who, in my opinion, would be much better at school.

But there the important point comes in. We say "at school"—and one of the important factors of this reorganisation so far as the three-years' course is concerned, as has been admitted by the authoritative educational bodies of this country, is that it should not, and indeed cannot, become effective unless as a condition precedent the high school system of the country is reorganised. And I venture to think that probably the reason why a measure of this kind has not so far been introduced generally is due to the very considerable practical, administrative and financial difficulties which stand in the way of a general reorganisation of the high school system of this country. We are fortunate in Delhi that the problem is within reasonable bounds, and that we have the money, and that we have the teachers, in order to carry out this reorganisation. But, Sir, there is a deeper reason why I attach importance to the reorganisation of the high school system than this. And here, if I may, I want to go back to the experience in my own country. You probably know that higher education for very many years was exclusively in the hands of the great public schools or the so-called grammar schools, which were modelled very closely upon them. But after 1902 power was given to local authorities to spend public funds on the provision not merely of elementary but also of higher education. That led, in the last 40 years, to the creation of a great mass of municipal and county high schools in which the bulk of the artisan and lower middle class and in recent years upper middle class children are receiving their higher education. When those schools began, they went up to the fifth form—that is roughly the school certificate standard or what we call here class X. But before long it was appreciated that if these schools were really going to be effective educational institutions for the children of the ordinary man, they must be provided with a higher top, or in other words the more advanced classes, which were already probably the main educational strength of the old public school system. And nothing, I think, has contributed more largely to the raising of the standard of higher education in my country than the addition of what we here might call the 11th or 12th classes to the ordinary high school. It has meant, as it will mean here and as we intend and have already shown it to mean in Delhi, that teachers with higher academic qualifications and better salaries will be available to be added to the staffs of high schools. It means also that the high school course can be prolonged over a longer period. And I hope that the experience here will be the same as it has been in my own country, where, through the imperceptible influence of a higher standard of scholarship in the highest classes, the standard throughout the whole school has been raised. It is significant, and I think it is beyond contradiction—in fact if I had the book I believe I could give the reference—that the Cambridge University Examinations Delegacy, of which I used to be a member, came to the conclusion that within a period of about 25 years the

standard of their school certificate had gone up by something like 17 months. If we can look forward to any such change in this country, we shall have solved the problem, the very difficult problem, which the Sadler Commission originally presented to us. That was not merely the elimination of the first year of the intermediate, which is all for the moment we are aiming at in Delhi, but the elimination of the intermediate altogether and its covering during the high school stage. If that can be done without any substantial addition to the length of school life, we may look forward to a general standard in our degree course a year or even two years in advance of what we have at the moment.

There is one other reason why I am anxious to see this reorganisation of high schools. There are some very fine high schools in this country. But, on the other hand, Sir, if I may venture a criticism, I am afraid that too many of the pupils who enter our high schools go there rather because their parents are able to afford it than because they themselves have the ability to take full advantage of the course and pass on as worthy students of a university. And I am entirely in agreement with my Honourable friend Mr. Sapru as to the need for a most extensive and liberal system of financial assistance so that in future no poor boy or poor girl of outstanding ability may be denied the benefits of higher education.

One other factor about the high school. It is desirable not only that the standard of scholarship in school should be raised, but that there should also be a leavening of older boys in the school who have already, as I might call it, entered the gates of real learning. I believe in this country, as in my own, the presence of those pupils will have an imperceptible influence on the younger pupils. I remember at my own school where boys who had won scholarships at Oxford or Cambridge used to walk about in all the dignity of velvet and other gowns that one in one's heart of hearts used to regard them with the utmost respect and veneration. I think it would also be an inducement to that spirit of loyalty to a high school which does not always exist. I am afraid that only too often both parents and children regard the high school, and indeed, even the university, as a kind of shop where you go to buy something as quickly as possible that may be of commercial value to you afterwards. It seems to me that there ought to be a wider conception of an educational institution as a unit which should enjoy the loyalty of all its members.

Now, Sir, implicit in this three years' scheme, as has been pointed out, is the question of migration. I have never myself attempted to minimise the difficulties inherent in this. But I agree with my Honourable friend Mr. Sapru that they are by no means insuperable. It has been asked why, since we knew the difficulties implicit in the problem, did we not first approach other universities and ascertain what their attitude would be towards overcoming them. I can only say this, that I think that a university, being approached on a matter of that kind, might reasonably say, "How can we give you a reply in advance? We have already, on two occasions, through our Inter-University Board, approved the principle of this scheme provided certain conditions are fulfilled. Have you yet fulfilled the conditions? Where are your courses of study? How, without seeing these, can we say whether in fact a boy, who passes the higher secondary examination which will in future be the matriculation for the Delhi University, is fit in fact to be admitted to the second year of our intermediate course, if he should apply to be transferred to our university?" They might, if they see fit, also say, "How can you approach us on this matter when your own Act and Statutes do not yet provide for the recognition of this examination as the admission to your own University?" I may say that the University have insisted on the prior need of regularising their own position, as is in fact being done in this Bill, and I may say that for the last 18 months to my certain knowledge committees have been working on the new courses of study. Several of the courses of the University consequent on the adoption of this three-years' scheme are now ready. Whether they have yet been communicated to other Universities or not, I am not aware. But it seems to me that the reason for optimism is this, that people who refer to the minutes of the meetings of the Inter-University Board in 1934 and 1939 and of the Universities Conferences which on both occasions followed these, will see that, subject, as I have said, to the fulfilment of certain conditions, the three-years' course has received their blessing. Once the University of Delhi has

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got its Act and Statutes altered and got its courses prepared, it is in a position to go to other universities with a reasonable expectation, if I may put it no higher, of sympathetic consideration for the proposals which they are submitting. No doubt those proposals will be accompanied by an offer of reciprocity, that is, that people with an intermediate pass from another university will be admitted to the second year of the degree course in Delhi. Therefore, Sir, I do not see any particular reason for undue pessimism as to the fate of an approach of that kind.

I also may mention in passing that during the course of consideration, the University has had very much in mind several developments which have been referred to by Honourable Members of this House, in particular the provision of a Medical Faculty. The Lady Hardinge College, which has already been mentioned, and with which I happen to be connected, has already submitted a formal application to the University to be affiliated, and that proposal is under consideration. Similar consideration is being given to the question of a Faculty of Technology. There is already in existence in Delhi an institution which in accordance with the practice common in Western countries could quite properly, when it has finished its immediate war work in connection with trainees, be recognised as the Technological Department of the University. Those matters are under consideration.

There was a suggestion made by the Honourable Mr. Sapru in regard to the desirability of courses something like the modern Greats in Oxford. In that connection I ventured to anticipate him at a meeting of the Academic Council two or three months ago and the Committee was good enough to agree to give the fullest consideration to that suggestion.

Sir, I will not attempt to take up time by traversing in detail other points from the speeches which have been made. These will no doubt come up for individual consideration in connection with the various amendments. I only just want to say a word on a suggestion, which seems to me to be a dangerous one, namely, that this really is a hasty and ill-considered measure. I should like, if I may, to deprecate that suggestion. Actually, the scheme on which the Delhi University reorganisation was based was, as has already been pointed out, drawn up nearly four years ago and received the approval of the Government of India at least three years ago. The University has been working very busily on it since then. The necessary Ordinances have been passed and courses have been drawn up. During the course of the examination of the reorganisation scheme and the necessary preparations to give effect to it there has necessarily been a certain amount of opposition. I welcome that. Any one should welcome reasonable opposition to schemes of magnitude. I do not mind the fact that the opposition has been pressed. It is desirable that all schemes of this kind should be submitted to close consideration. But I do claim that during the last three years this particular scheme has been under examination, certain points have been noticed and questions have been raised in discussion as to whether the Act and the Statutes required certain amendments. These points have been collected and it would hardly have been fair to approach the Legislature to pass a Bill in connection with each and every one of those amendments. These have been collected and form with one or two additions the corpus of the present measure. It is quite true that it looks formidable owing to the vast number of Statutes which are being re-enacted. But we were advised legally, although we wanted, as far as I remember, to amend a few Statutes only, that it would be necessary to re-enact the whole of the Statutes in connection with the present measure. It was also expedient in order to save the complicated procedure of the University making the Statutes themselves in connection with this measure, and I should point out that the University authorities themselves have raised no objection to that being done.

One word with regard to the question of the desirability of further consultation. I do not think anybody who has worked with me has ever charged me with being unwilling to consult as many people as possible in connection with any educational proposal of importance. But, as I have already pointed out, the essential educational part of this measure has already received an overwhelming measure of support from authoritative educational opinion in this country for the last 25 years and therefore I imagine that the principle which we are endeavouring to operate could hardly be disapproved by any university, Provincial Government or other body whom we should commonly approach if the measure were circulated.

With regard to details, that is a matter probably of opinion. I have endeavoured to point out that it is not our objective to make Delhi like any other university either in this country or anywhere else. We aim at a new kind of university. What, therefore, are we likely to receive in the way of comment from other people? The other universities would probably say, "Your proposals differ from our constitution in the following respects". That we already know. It is unlikely that without awaiting the outcome of the experiment, they could do more than say, "You are endeavouring to implement a general idea to which we have given our concurrence but which for local reasons we have been unable to implement". I imagine that I can almost forecast the very words in which Provincial Governments would reply to a request for an expression of opinion on this particular matter. They would say that the Government, while in general agreement with the principles underlying the scheme, regret that owing to financial stringency arising out of the present conditions or for other reasons they were unable to undertake the complicated administrative process of reorganising their high schools or to face the high cost which such reorganisation would involve. Therefore, I cannot feel myself in spite of the utmost desire to know what other people think about a measure of this importance that in fact circulation would have produced anything which would have been of effective use to us in submitting this proposal to the Legislature.

In conclusion, I have avoided myself saying more than I could help on what has been referred to, rightly or wrongly, as the communal issue involved in this measure.

I do not in any way question the sincerity of those people who
 1 P.M. have endeavoured to secure representation for communities in the governing bodies of the Delhi University. My reasons for not having said anything hitherto in this connection are twofold. In the first place, I am aware that I am exposed to the criticism that I have not been long enough in this country to appreciate fully how profound and how deep-seated communal considerations are. Another reason is since I am an educationist and am interested, I hope equally, in the provision of facilities for all boys and girls to whatever community, caste or creed they may belong, I should not like to say anything which might hurt the feelings of anybody in this House or outside. I can still remember—my memory is beginning to go back a long way—the state of feeling in my own country in 1902. I cannot suggest for a moment, and I do not suggest, that there is anything comparable, in quantity or quality, between those differences and the differences which exist in this country. But I do remember that people were at that time divided on an educational issue into which religious issues had entered and that their feelings had been aroused to an extent which led many of them to be willing actually to go to prison in defence of what they thought was a matter of conscience. Sir, that measure, the Education Act of 1902, has left what I should describe as scars on the educational system in England which exist to this day; and I think that a large number of us have come to the conclusion without in any way belittling religious or political issues, that when religious or political controversy has entered the sphere of education in England, education has been the worse for it. And I think that at any rate we should endeavour to establish the position in this country that we want to see education in the hands of really educated people. I have met in the course of my life a few people whom I should call really educated but not many. But when I have met them I have found that they have invariably had the interests of all people at heart and not merely the interests of those who happen to worship or vote in the same way as themselves. I am not ashamed in any way of holding on to an ideal rather than accepting something which appears to me as a second or third best because it may be the easier way of avoiding difficulties at the present moment. I would venture to suggest to all our friends who may feel with some justice, I can see, that their share in the administration of the Delhi University is not as much as it should be or as they would like it to be, that to a certain extent the remedy lies in their own hands. It has been said that if they put more weight into the University they would have more weight in its councils. That does not necessarily follow, but I think it probably would follow. But I would point out at the moment, if I may without undue differentiation take the Muslim community for an example, that in Delhi they have one college which unfortunately is only one out of six. They have one-eleventh of the total number of registered graduates in the University, and they have had less than one-sixth during the last

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three years of the examinees of the University. We all want to see that number increased. We recognise that owing to the proximity of the Aligarh University, perhaps Delhi cannot expect, at any rate as it stands, to have that claim on the affection of the Muslim community that it might otherwise have, if it was not in that proximity. But we should like to see more of them and I think they would find that as their part in the University grows so their control in its affairs will grow also.

I need not go into the question so far as teachers are concerned. My Honourable friend Mr. Hossain Imam knows that it is difficult at the moment to secure adequately qualified Muslim teachers in Science. I have looked up the applications received for the last six Science posts in the Delhi University and I find that only seven out of 207 applications came from Muslims.

In conclusion, I do not want to join—I hope nothing I have said during this morning has given any reason to anybody to suppose that I am joining—in a general condemnation of Indian universities. We are not promoting this Bill simply because it is going to pull the Delhi University out of an undesirable rut. I would not like that point to be taken at all. Universities of India have many good points; I also venture to think that they have some features which are less good and that if ever—I hope it may happen before long—a really national system of education is to be established in this country, by which I mean a system of education for all boys and all girls, universities in common with other institutions can and must be improved. I cannot help thinking that if we agree on that, now is the time to do what we can. I was glad to hear an Honourable Member of this House whose opinion I have always regarded with much respect point out that so far from being irrational or improvident of Government to embark on an expensive reform during war-time this is just the time when such measures ought to receive the most serious consideration and the necessary planning ought to be put in hand. I am glad to remind members that probably the most important educational measure ever passed in my own country was passed in 1917 when the state of the country's war situation was graver than it is at the present moment. For that reason I make no apology; in fact I rather commend the fact that this measure is being brought forward at this moment under war circumstances. There is one other reason for speed in getting this measure through, which I also make no apology for referring to. If members disagree altogether with this measure, then what I have to say will make no impression on them at all. If, on the other hand, they agree that this is a desirable experiment and that it is in the interests not merely of Delhi but of higher education in India, I think they will fully agree that we have in the present Vice-Chancellor the one man in all India most interested in the scheme and most likely to see it through to a satisfactory issue. As everybody knows, Sir Maurice Gwyer will not be with us indefinitely. Months are important. Therefore even if the scheme may not be perfect and on subsequent consideration there may appear various ways in which it could be made better, in urging it upon the Legislature at this moment we have had a very practical consideration in mind, that it clears the ground for an advance, it makes the way plain for an experiment which can be carried out under better auspices if it is done now than it could be if it was postponed six months or a year hence. I am, Sir, one of those who are anxious to see things done. In my own country I used to regard reports by experts as a preliminary to action. Since I have been in India I have come to the conclusion that they are usually regarded as an alternative to it, but I hope, Sir, that in this particular case we have indicated that we are in earnest in this measure, that we really believe in it even to the extent of embarrassing members of the Legislature with this prolonged debate, and that we intend, provided we get the necessary authority, to do everything that lies in our power to carry it through to a successful issue. (*Applause.*)

The Council then adjourned for Lunch till a Quarter to Three of the Clock.

The Council re-assembled after Lunch at a Quarter to Three of the Clock, the Honourable the Chairman (the Honourable Sir David Devadoss) in the Chair.

* THE HONOURABLE SARDAR SIR BUTA SINGH (Punjab : Sikh) : Sir, there is only one angle from which we should view this Bill, and that is the educational

angle. The question we must ask ourselves is whether the objective and the means to attain that objective are sound. The criticisms that have centred round in the other House and in this House leave no manner of doubt as to the soundness of the measure. Indeed, the objective which underlies the Bill and the means to attain it have not been questioned. The Government rightly hold to the sheet-anchor of education which lights up the way of life and is universal in its application. How can Government, aspiring to kindle in the heart of youth the light of love of fellow-men, accept changes which aim at guiding education into communal channels? It is true that at present communities anxious to secure communal advantages are ready to sacrifice the greater gain which can only be secured by communal harmony. Education and education alone is the only means of dispersing the shadows and revealing the truth that it is in unity that we can find our strength, and in that strength lies the way to make a better life for our people in which all can share.

With these few remarks, I wholeheartedly support the Bill.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (United Provinces Northern : Non-Muhammadan) : Mr. Chairman, I am sure that the House listened with rapt attention to the words that fell from my Honourable friend Mr. Sargent. It was a speech of rare quality that he delivered. He and my Honourable friend Mr. Sapru have lifted the discussion of the very important educational question before us to a high plane. It seemed to me, when the Honourable Mr. Sargent was speaking, that he was not, if I may say so, looking with one eye at the political system here and with the other at the educational system. He spoke without any mental reservation, and clearly stated what his ambitions regarding the future educational development of this country were. He spoke as an educationist, and his sincerity will be recognised, I am sure, by every member of this House.

There are, however, Sir, certain points on which, notwithstanding the cogent and eloquent speech delivered by my Honourable friend Mr. Sargent, we should ask for more light to be thrown. My Honourable friend, contrary to the memorandum that was sent to the Government of India by Sir Maurice Gwyer, said, in the course of his speech, that he did not claim that the Delhi University would be an Imperial university. All that he wanted was that Delhi should have a university of its own, and that it should be modelled on the lines laid down in the Bill before us. I think he said that he hoped, however, that the educational experiment of considerable importance—I think these are the words he used—which was going to be carried out here would be an example to the rest of India. Now, I deny, in the first place, that the reorganisation that is being attempted here can be looked upon as an experiment. The experience of the world is behind those who have framed this Bill. The general principle that education should be divided into two stages has been accepted all over the world. In India, too, that principle has gained acceptance all over the country. It has, however, been difficult to translate it into practice, notwithstanding the Report of the Calcutta University Commission, because of those difficulties, administrative and financial, which my Honourable friend Mr. Sargent drew our attention to. I mention these things in order to make Government realise that what is being done in Delhi is not an experiment which cannot, with safety to the country as a whole, be tried in other provinces also immediately. What is being done here is the result of generations of educational experience gathered by other countries.

Nor can I accept the view that the Delhi University will be a shining light to guide the whole of India, and that other provinces will follow the kindly light that will soon be kindled within the portals of the Delhi University. If the provinces have not been able to have universities of the kind that Delhi will soon have the good fortune to have, if they have not been able to make a clear demarcation between higher secondary education and university education, it is not due to any lack of perception of the value of this division and of the necessity of raising the standard both of school education and university education, but because the funds at their disposal and the general examination system relating to admission to the services have stood in the way of the fulfilment of so great a task.

Sir, my Honourable friend Mr. Sargent, if I understood him rightly, spoke of the reconstruction in education that was in his opinion required in this country. I am

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not sure whether I correctly understood him, but I hope that I did. If this is his hope, I cordially agree with him. If the Delhi University is a part of the general educational reconstruction throughout the country which the Government of India have in view, I would enthusiastically welcome the Delhi University Bill. But the Government of India are so wedded to the principle of Provincial Autonomy that although it is quite clear that there can be no vigorous intellectual life in this country unless the Government of India come to the help of the provinces, nothing has been done by the central authorities during the last 25 years, that is during the period that has elapsed since the Calcutta University Commission reported, to fulfil their responsibility and to help the provinces to re-model their educational systems. We see, Sir, that they attach so much value to the principle of Provincial Autonomy that they would rather let people die in Bengal, Orissa and Malabar than call the offending Governors and Ministries to book. No wonder, Sir, that such a Government should think that the principle of Provincial Autonomy was of much more importance than the development of intellectual life in this country. There was a time in England, when the local bodies were independent not merely in ordinary matters relating to local administration but also in educational matters. Had the Central Government said that the local bodies, with their powers of taxation, should discharge their educational responsibility as best they could, there would have been general intellectual stagnation in England. England would have lost its mental vigour and with it the right to participate with other nations on a footing of equality in the discussion of international problems. The Central Government, however, did not take a short-sighted view of their responsibility and it is due to this that during the last 70 years, the entire educational fabric in England has been changed out of recognition. I am sure, Sir, that the whole country will be grateful to my Honourable friend Mr. Sargent and to the Education Department if they can persuade the Government of India to realise their true responsibility towards the people of this country in respect of the spread of education of all kinds. They ought to take a lesson from the past but I am sorry to say, Sir, that instead of learning from the past, they are still living in the past. I lay stress on this not because the question that I have raised can be directly dealt with through the Delhi University Bill but because my Honourable friend Mr. Sargent said in the course of his speech that he, so far from regretting, rather welcomed the discussion of general educational principles in the Central Legislature. I suppose this is his feeling because he hoped that the attention devoted by the Central Legislature to these questions would be a potent means not merely of bringing pressure to bear on the Government of India but also of influencing public opinion in general. That is my only excuse for having dealt with, I think I can perhaps say, the most vital question that faces us at the present time in connection with the Bill before us. Had it been reasonable on this occasion to ask my Honourable friend to tell us how far this subject had engaged the attention of the Government of India and what steps were being taken at the present time to enable us to have before us a clear picture of the goal we ought to aim at, the steps by which we ought to advance and the methods by which the necessary resources can be furnished, I should certainly have done so. I fear, however, that I cannot make such a request to him in connection with the Bill before us. But I shall be grateful—sincerely and not conventionally grateful—to the representatives of the Education Department in this House if they would take us even slightly into their confidence and give us a glimpse of the end that they envisage and the efforts that they propose to make in order to raise India to a level of equality with other nations in regard to the very important problem of intellectual development.

I shall now deal with the questions directly raised by the Bill before us and shall in the first instance take up the general constitution of the University authorities. I do not want to go into the details of this question, because it has been very ably and exhaustively dealt with by my Honourable friend Mr. Sapru. All that I want to do is to draw attention to some of the general principles which I think must be kept in view in discussing the Delhi University Bill. We all want that we should have universities of the same calibre as, for instance, the Universities of Oxford and Cambridge, of Harvard and

Yale. The Governments of England and America are now realising their duty towards their people in educational matters and are prepared to help even in respect of higher education, but the development of higher education, generally speaking, has in these countries been due to private charity. It has not been so in other countries, for instance, in France and Germany. I should, however, very much like that those who have money to give should give it for the purpose of improving the system of education in this country and of bringing good education within reach of all classes, particularly the poorest. Can we hope that the Delhi University as proposed to be constituted will be able to gain the affection of the people and benefit by the charity of public-spirited and wealthy people? Sir, there have been colleges and universities in India which have been held in high esteem by the people of the country and which have been able to get a large amount of public support in respect of their finances. I think I may mention only two colleges in order to illustrate what I mean, the M. A. O. College, Aligarh, which has developed into a University, and the Central Hindu College of Benares which has been merged in the Benares Hindu University. When these schools were established, they were able to get the support of the public partly because they seemed to cater to the needs of the communities for which they seemed to be particularly meant but also because they were supposed, rightly or wrongly, to enjoy a greater amount of freedom than other educational institutions. I know that the Central Hindu College, though I was never a student of it, occupied a high place in the affections of the people of the United Provinces because of the touch between the teachers and the students and the freedom given to the students to express their ideas on all matters, including political questions which were tabooed by other seats of higher education at the time. My Honourable friend Mr. Sapru is an old student of that college and I am sure he will be able to bear out the statement that I have made. Take again, Sir, the Aligarh and the Benares Hindu Universities. They have been helped by the Muslims and Hindus, respectively, because they appealed, if I may say so, to their communal patriotism. But that is not the only reason why they have been supported. They have also been supported because they are believed to enjoy a greater amount of freedom than other universities. One has only to look at the constitution of the Benares Hindu University to realise the difference between the Delhi University and the Benares Hindu University. There will be much more of official control in the Delhi University than there is not only in the Hindu University but in many other universities, for instance the Lucknow and the Allahabad Universities. If it is the desire of the Government that the Delhi University should be loved by the people, should be regarded as a sort of beacon light, they should give it the greatest amount of freedom that is possible, so that the people may be able to regard it as a national institution. If I may give an illustration or two, I would refer to the constitution of the Court and the Executive Council. I know it can be said that there will be fewer nominated members in the Delhi Court than there are in the Dacca University Court. But I hope that the Dacca model is not a model which the Government would think of copying at the present time. Both in Allahabad and Lucknow, certainly in Allahabad, the number of nominated members is proportionately less than it will be in Delhi. Take again the Executive Council. I think there will be 26 or 27 members in the Executive Council and among these including the Vice-Chancellor, Rector, Treasurer, Superintendent of Education, Educational Adviser to the Government of India and the four nominated members, there will practically be nine nominees of Government. This, as compared with later universities established in accordance with the Sadler Commission is a high proportion. At any rate, it is a matter that will be noticed by all those that are connected with education and will stand in the way of the Delhi University being regarded with that affection which free institutions can inspire.

Sir, I shall now say a word about the colleges. My Honourable friend Mr. Sargent has been at pains both here and in the Assembly to insist that they will be allowed to continue and lead a vigorous life. My Honourable friend, Sir, will, I am sure, deny that he is a politician—he would like to be regarded as an educationist pure and simple—but I think I noticed a vein of the politician in him, when he referred to this matter. He spoke about the colleges, the desirability of maintaining them, of having as many university teachers as possible drawn from the college teachers and so on. Let us see, Sir, soberly, with strict regard to concrete facts and

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without any prepossessions one way or the other, what chance the colleges have of that fuller development on which their ability to attract public sympathy and public support will depend. They have already failed to get that support which is required to raise their standard of the education that they give and to enable their teachers to receive those salaries and enjoy that security without which no educational institution, can get the right kind of teachers. Now can we reasonably hope that the reorganisation will infuse such a life into them, that they would develop such special characteristics as would enable them to attract the support of the public? Sir, so far as I can see the best teaching in the University will be given by the University. The teachers from the colleges may be employed in the same way as teachers belonging to the colleges in which are residential places where tutorial instruction is given are employed in the Allahabad University, but they cannot rival the University in dignity and in position. At any rate, Sir, if I had any money to give to the Delhi University I would rather give it to the University than to any of its component colleges.

My Honourable friend Mr. Sargent spoke of the Universities of Oxford and Cambridge and of their federal character, but the colleges there occupy a position of importance because of historical reasons and the endowments which led to their establishment. They can lead an independent life. They can not, therefore, be abolished, but the state of things here is quite different and whatever the Government may say I feel, and feel strongly, that the development of the University in future will be in the direction of the strengthening of the central organization at the expense of the colleges. Now, Sir, I am mentioning this not because I have any antipathy to the colleges or because I do not realise the value of small colleges and their ability to influence the students in a way in which larger centres of learning which have to do with huge numbers can perform. I should like to strengthen the colleges. I would not regret it if the colleges could provide teachers of the requisite type not with the help of Government but with private support. Then the purpose of the existence of the colleges would be fulfilled and they would be able to kindle a feeling of loyalty in the breasts of their students which the University cannot, but I see no chance of progress taking place on such lines in future. If this view is correct it will be a mistake to shut our eyes to the realities of the situation. If Government can provide unlimited money for the Delhi University and can enable the colleges to develop fully, the theory on which the Delhi University Bill proceeds may be justified. But I personally am not convinced of the wisdom of such a policy. It might have been prudent, in view of the controversy that the question of the reorganisation of the University aroused in educational circles in Delhi, particularly among the governing bodies of the various colleges, to have given way on that point. I could have understood my Honourable friend Mr. Sargent taking that line. But I consider it a mistake that Government should not openly recognise this consideration, and act in such a way as to give the public a wrong impression of what the future development in all likelihood will be.

Sir, I have mentioned this partly because a correct view of the matter that I am discussing is important partly to enable Government to decide wisely regarding the expenditure of the funds available for higher education in Delhi, and partly in the interests of the development of the colleges in future. So long as they try to compete among themselves, and to duplicate the instruction that can be provided by the University, they will not merely fail to achieve their purpose, but will also not undertake the work which they really can perform better than the University can. Attention has been drawn by several speakers in this House to the need for the provision of scholarships on a generous scale so that deserving boys belonging to the poorer classes might not be prevented from prosecuting their studies up to the highest stage. Now, if the colleges have this in mind and realise that it might in course of time be their glory to enable deserving students of all classes to enter the University, I think they would be able to do something which we cannot, in the near future at least, expect the University to achieve.

Secondly, there is the question of contact between the teachers and the students. A time comes, Sir, in the life of every one of us when we want that all that we think

and all that we do should be bathed in a moral light. We must not, however suppose that this is the privilege of the grown-ups only. The students of the higher classes are as much capable of being influenced by this feeling as we. They would like to come into touch with teachers who would change their outlook, give them new ideals, and fill their lives with a new purpose. This personal touch the colleges can provide better than the University. It is worthy of being attempted by them. There is no higher task than the educational authorities or those who have any chance of moulding public opinion can set before themselves. If I were asked to give a brief definition of education, I would say it was the training of the emotions. I would lay more stress on the growth of character, on the elimination of the conflict between reason and will which mars our lives and which prevents us from putting much that we read in our schools and colleges into practice than on formal instruction. Now, this training of the emotions, with its necessary consequence of the development of high ideals and the removal of the divorce between ideas and practices, is a task that can be more easily and more successfully undertaken by the colleges than by the universities. And that is why I had drawn attention at length to the lines on which the university should be encouraged to develop in future.

Sir, I should now like to say a few words about secondary education and one or two other matters before I sit down. It gave me unmixed pleasure to learn from my Honourable friend Mr. Sargent that Government had already taken in hand the reorganisation of secondary education in Delhi. The object of all reorganisation must be to raise the standard of education as a whole. We may, however, divide education logically between its various grades and yet fail of achieving our purpose unless we can provide the machinery and the finance which the successful working of the educational system would require. I hope, however, Sir, that the Government will profit by the example of the United Provinces. I do not know whether my Honourable friend the Educational Adviser to the Government of India is invited or allowed to visit high schools not situated in centrally administered areas. I do not know, but I hope that he has visited, not a few, but many high schools and intermediate colleges in the various provinces, and I hope, in particular, that he has visited a number of such institutions in my province. When education was reorganised and the Allahabad University and the Secondary Education Bills were passed, we all had high hopes. I was a member of the United Provinces Legislature, and did my utmost to help the Education Minister to put these Bills through. But experience has shown that while the standard of education in the University has risen, the intermediate colleges have not fulfilled the purpose that the Sadler Commission which we followed in reorganising our educational system had in view. I do not by any means wish to imply that the intermediate colleges have been a total failure or that their standards have not risen. But there is still a gap between the last stage of secondary education and the first stage of university education. The object of the legislative enactments to which I have referred was to make secondary education compete in itself and sufficient to enable a boy who had received it to enter life if he was unable to go to a university or to profit by university education. But, as I say, this hope has not been realised owing to various reasons one of which is want of funds. The intermediate colleges, that is, classes XI and XII of the higher secondary institutions, instead of shedding that influence which my Honourable friend Mr. Sargent hoped for, have themselves been reduced to the level of school classes. The teachers who teach the intermediate classes are certainly more qualified than the teachers in those high schools where there are no intermediate classes. But this by itself is not sufficient to satisfy those who realise the value of the principles and recommendations formulated by the Calcutta University Commission. Another reason for the failure of these institutions has been that that stress has not been laid on the development of the mother tongue on which the Commission insisted. I know that there was a difference of opinion between Indian educationists on this point. Educationists spoke with different voices before the Commission on the subject. But the Commission, after considering the different views expressed, came unhesitatingly to the conclusion that training in the mother tongue was not merely an important but an essential part of education. I do not want to tire the House with long quotations but it will perhaps permit me even at this late

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hour to draw its attention to the most basic recommendation of the Sadler Commission in respect of educational reorganisation in this country. The Commission said :—

“The mother tongue is the true vehicle of mother wit. Another medium of speech may bring with it, as English brings with it, a current of new ideas. But the mother tongue is one with the air in which a man is born”.
Then it went on to say :—

“It is the mother tongue which gives to the adult mind the relief and illumination of utterance, as it clutches after the aid of words when new ideas or judgments spring from the wordless recesses of thought or feeling under the stimulus of physical experience or of emotion. Hence in all education, the primary place should be given to training in the exact and free use of the mother tongue”.

I cannot use so beautiful and vigorous and cogent language as Sir Michael Sadler could. But I have tried in my own humble way to express the same idea as is contained in the quotations that I have just ventured to place before the House. If I may trouble it with another small quotation, I would draw its attention to the recommendation that the Commission made with regard to the medium of instruction. It came to the conclusion, after weighing the evidence placed before it, that English education was not the cause of deficiency in the mother tongue. It was rather the deficiency of boys in respect of their power of expression in their mother tongues that was responsible for their weakness in English and it consequently went on to say in Chapter XLI, para. 14 :—

“Unlike some of our correspondents we regard a severe training in the use of the mother tongue not as a dangerous rival to training in English but as the necessary preliminary to such training”.

This vital principle which the Commission pressed on our attention has not been fully acted upon in our educational system. I am well aware of the fact that lectures can be delivered in all subjects except English and perhaps Mathematics—I am not sure with regard to Mathematics—in the mother tongue. But it is one thing to give freedom to teachers in this respect or to allow students to answer questions and papers in certain subjects in their own mother tongue and quite another to give an important place to the study of the mother tongue in the curriculum and to aim at the development of a good power of expression among the boys in their own languages.

It is this that has not been achieved. I hope that in the reconstruction of secondary education in Delhi this will be borne in mind. Mere freedom in respect of the teaching of certain subjects or the answering of examination papers in certain subjects will not be enough. I attach so much importance to this question that I would, even at the university stage, do what I could to draw the attention of the students to the importance of their acquiring a proper knowledge of their own languages. I do not want to compel every student in a university to learn Urdu or Hindi or any other language. But perhaps the purpose that I have in view can be achieved if we require every student who goes up for the B. A. degree to write an essay in some subject connected with his studies in his mother tongue. He will then realise that a good knowledge of the mother tongue is not a luxury but a necessary means of success in the university.

Sir, I do not want to lengthen this general discussion of the principles underlying the Delhi University Bill any further. I would however like to ask the Education Secretary and the Educational Adviser whether there is a teachers' training college in the University or whether the University and the Central educational authorities are thinking of having a degree in teaching in the University and of establishing a teachers' training college. This is another essential matter to which the Sadler Commission referred—

THE HONOURABLE SIR JOGENDRA SINGH : We have already taken up the question of training teachers.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : As it was not referred to in the Bill or anywhere in the Statement of Objects and Reasons, I wanted light to be thrown on the point. I am glad to know that the University is devoting its attention to this point.

Sir, there are other questions, the question, relating to extra mural teaching for instance, which can be fruitfully discussed in connection with a measure of this kind, but as it is already very late, I do not want to deal with this point, specially because I feel that it is not a matter that could have escaped the attention of my Honourable

friend Mr. Sargent. I will not, therefore, dwell on it, but if anything can be said in winding up the debate by Government on this point, I shall be very glad indeed.

Sir, we shall deal with the constitution of the various bodies when the amendments that have been given notice of are considered. I should, however, like to say a word about the way in which the Vice-Chancellor is going to be elected. I do not want to go into the details of the procedure that has been laid down, because my Honourable friend Mr. Sapru and I have given notice of an amendment on that point. I only wish to say that the device of having a sub-committee to recommend three names to the Executive Council is a valuable device which I hope will attract the attention of the other universities. I should whole-heartedly welcome the establishment of such a Selection Committee for the purpose of proposing names to the Executive Council if it could be guaranteed that the Chancellor's nominee would be an educationist. I cannot, however, approve of the authority that has been given to the Chancellor to appoint a Vice-Chancellor. But I shall have an opportunity of discussing this question later.

Sir, I have dealt with the Bill in so far as I thought I could speak about its different aspects without repeating the remarks that have been made by the previous speakers. I should like, however, before I sit down to address myself to the question of discrimination against Muslims in the matter of university appointments which was raised yesterday by my Honourable friend Mr. Hossain Imam and which was raised again today by the Honourable Mr. Padshah. Mr. Hossain Imam was indignant that in the Allahabad University, with which I am particularly concerned, and with which it has been my privilege to be associated for a quarter of a century, there was a bias against Muslims. Now, I have been a member of one or two selection committees of the University and I can assure him and others in this House that the Allahabad University can legitimately pride itself on the fact that it has chosen its professors and readers irrespective of the community to which they belonged or the province they came from. We hear a great deal about the differences between Bengalis and non-Bengalis, Punjabis and non-Punjabis and so on. But the Allahabad University has been broad-minded enough to bear the true interests of the students in mind and to realise that its position will depend not the extent to which Hindus or the people living in the United Provinces were appointed but on the selection of capable teachers who could inspire their students with new ideas. I do not say that we have fully succeeded in our efforts, but I can conscientiously assure every member of this House that there is not a tinge of communalism or provincialism in the selection committees of the Allahabad University in so far as the posts of professor and reader are concerned. I refer to these posts only because it has been recognised, and I think rightly recognised, that in respect of lectureships preference should be given to the people of the United Provinces.

Another point that I would like to draw the attention of my Honourable friend Mr. Hossain Imam to is that he is unaware of the small, the negligible, number of Muslim students in the Science classes. I refer to the Science classes because he pointedly referred to posts in the Science Department. After all, as time goes on we shall have to depend for the development of our universities largely on our own pupils. Let us therefore see to what extent the Muslim students of the Allahabad University have taken advantage of the instruction provided by the Department of Science, which is a very important part of the University. Take the Physics Department. In the year 1935, there was not a single Muslim student who obtained his M. Sc. degree in Physics. The Chemistry Department tells the same tale. Again, among the M.Sc.s in Zoology there is only one Muslim and he has obtained only a 3rd class. There is no Muslim among the successful candidates in Botany and in Mathematics so far as the M.Sc. examination goes, and, of course, it is quite impossible for us to appoint any teacher who is not at least a M.Sc.

Take again the year 1938. If my Honourable friend Mr. Hossain Imam would look at the figures given in the Calendar for the year 1939 he will, as a fair-minded man, as a man who only asks for a fair representation of a certain culture among the university teachers, I am sure, acquit the Allahabad University of the serious charge that he brought against it. In the year 1938, Sir, in the Departments of Physics, Chemistry, Mathematics, Botany and even Agriculture, there was not a single Muslim, that is among the M.Sc.s. of that year there was not a single

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Muslim M.Sc. I think I have made a slight mistake ; I should have said that in none of the Departments of Physics, Chemistry, Zoology and Botany was there a single Muslim M.Sc. In Mathematics there was one and he, I am glad to say, got a 1st Division.

THE HONOURABLE MR. HOSSAIN IMAM : Has he been provided with any employment ?

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : It is not the business of the University to see whether this boy has been provided with any employment. I do not think he is in the Mathematics Department of the Allahabad University but it is not the business of the Allahabad University to provide a job for any of those students who have passed their examinations with credit. Indeed, in selecting our teachers we as a rule do not content ourselves with selecting only M.Sc.s. We really select Ph.D.s. and D. Scs. and so on and those teachers who had not obtained such degrees have in many cases obtained it. This is the real reason, Sir, why in the Allahabad University, at least, there is only one Muslim teacher, so far as I know, on the Science side. To think that the Allahabad University discriminates against Muslim is to do it a cruel injustice and I trust that my Honourable friend Mr. Hossain Imam after having come to know the true facts will withdraw the serious accusation that he brought against my Alma Mater.

THE HONOURABLE SIR JOGENDRA SINGH (Education, Health and Lands Member) : Sir, I was satisfied when I agreed to introduce the Delhi University Bill. My satisfaction has grown greater as I have listened to the debate. The soundness of the scheme has received free and generous acknowledgment from all sides. The scheme itself, as the Educational Adviser pointed out, is an experiment. It is an experiment in the sense that it is for the first time that we are starting raising the standard of secondary education and shortening the period of the degree course. It is an experiment of great moment which may mould the whole future policy of education in India. I listened with great respect to the speech of the Honourable Sir Ramunni Menon which his long experience in university matters entitles. He has been so much in sympathy with the object of the reorganisation of the Delhi University that there are only a few points which I may clarify. He demurred that Delhi University should draw on the taxpayer's resources more than any other university. If my memory serves me aright, it was Sir Harcourt Butler, the first Education Member, who secured large grants from central revenues for education. It was he who laid the foundation of the unitary system in the Allahabad University. I would feel fortunate if I can to some extent serve the cause of education and follow his good example and support university education all along the line.

Sir Ramunni Menon was not sure whether it was in the interest of the administration to have such a large membership in the Executive Council. Since the Executive Council is to exercise large powers, it has been our endeavour to give it a representative character. I feel confident that the representative character of the Executive Council and the sympathy which inspires all those who are connected with education, whether officials or non-officials, will assure a smooth working and cordial co-operation of all the colleges.

My friend the Honourable Pandit Kunzru dwelt on this aspect at some length. A great deal has been said by him and others that in the management of the Delhi University official influence would be more than in other universities. Is the Honourable Member satisfied that universities which are free from official influence have become the beacon lights which he expects that Delhi University should become ? If that has not been the experience in the universities which are free from official influence why refuse to accept the accession of strength that educational experts may bring to Delhi University by their large experience in educational matters ? I am sure he remembers that Bagehot in his illuminating book on *Constitution* said that the system of representation had one object only and that was to produce a competent cabinet. We have tried to give Delhi University a cabinet which will have the advantage of the experience and knowledge of educational experts drawn from a very wide field.

The Honourable Sir Ramunni Menon also dwelt on the communal position in India. I cannot deny that it exists, but would he, if he discovered microbe of disruption, agree to foster it? Would he not take any steps that were within his power to see that that microbe was not allowed to multiply, and that communities were drawn together to serve a common purpose, at least in the field of education—education, which is the lever by which we can raise all communities to power and strength?

My Honourable friend Mr. Hossain Imam has spoken at length, and spoken with conviction, but I fear he is dominated by two conflicting ideals—the ideal of democracy and the ideal of communalism. And these two ideals, I am sorry to say, do not go together. Democracy is a means to an end, not an end in itself. My friend Iqbal once, in a light moment, composed a couplet; I can render it in a more polite form: He said:—

“The principle of democracy has espoused the class and communal society of India.
It is an illicit connection, and its issue is spurious politics”.

May I ask my Honourable friend: Is there any democracy that has succeeded on divided loyalties? As long as our loyalties are divided, the dream of working a democracy is a dream which cannot be realised. We will have to come together and be loyal at least to one single thing. Let us be loyal to education, and establish our claim to work a democratic system. But if we are not loyal even in the field of education to that which illumines the path of democracy, how can we claim that we can work any democratic institutions? In the words of a poet—

“What life have you if you have not life together?
There is no life that is not life in community,
And no community, not lived in praise of God”.

A university is a place of learning, and a university must hold aloft the torch of truth, so those who pass through its doors carry the light, the light that unites and that disperses the shadows that divide brother from brother.

Our aim, Sir, in revising the constitution of the Delhi University has been so ably defined by the Honourable Mr. Sargent in his eloquent speech that I have nothing more to add on that subject, except this, that our endeavour has been to provide an adequate organisation to carry on the day-to-day administration without overshadowing the ideals to mould gradually the communities into a nation.

My Honourable friend Mr. Hossain Imam made an appeal to remedy any defects in the Bill which experience reveals in a year or two. The Government of India is a responsive organisation, and bound to do justice to all manner of men without fear or favour. I can assure him that Government is and will always be ready to do its best for all the people of India and to remove any defects that experience reveals in our constitution.

I have listened with deep interest to the discourse which the Honourable Mr. Sapru has given us on every aspect of education. It reveals his deep concern in matters educational. I am glad there are public men of his calibre who, in this dry world, are anxious to keep the fountains of learning flowing. I too have been interested in education for many years, interested in ideals which Plato preached in his *Republic*, which Rousseau in his *Emile* gave out in France. I accepted the reorganisation scheme of the Delhi University because I was struck with its soundness and with the practical steps that were designed for its implementing.

My Honourable friend Mr. Sapru drew pointed attention to the need of creating faculties of agriculture, medicine and engineering, civil and mechanical. It was given to me in the Punjab to raise agriculture and engineering education to a degree standard. It was only the other day that I was discussing the matter with the Educational Adviser. He has told you already about the direction in which our minds are moving. I am anxious to have an Imperial College of Engineering. I have had talks with General Bird, who is equally anxious to have a fully equipped college for training engineers for the army. I hope that these discussions will lead to some tangible results. I can assure the Honourable Member that these are the subjects nearest to my heart, and I will do my best for them.

I need not repeat what the Educational Adviser has already said about our plans for promoting popular education in all its stages, from the lowest to the highest standard. I think I am revealing no secret when I say that the picture is being paint-

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ed by artists who are competent to paint it, and the picture is practically ready. But if this picture is going to be invested with life, it will need funds, and it will need your support. That is why the Educational Adviser and I rejoice that this Bill has drawn so much attention, because it is the popular support which can enable us to carry out these schemes. We are preparing plans which, within a definite number of years, if we can carry them out, should secure the ideals which our friends have at heart.

There is one point, however, which the Honourable Mr. Sapru raised regarding bringing education within the reach of the poorest peasant and the poorest urban worker. I must say that we must no more accept chronic poverty as our heritage. Indeed, it should be our endeavour to improve the whole wage structure, both rural and urban, by producing good nourishing food for all our population, thus improving the health and efficiency, and with it the earning capacity, of our population. If we do that, the question of creating meagre reservoirs of education does not arise. Our boys and girls would be in a position to take advantage of such education as is available.

The Honourable Mr. Sapru said that I was always preaching that they should acquire an agricultural bias. I preach it, because I feel that it is by improving the living conditions of agriculturists that you can create wealth and, through that wealth fulfil the purpose which you have at heart. As long as the wage structure remains where it is, as long as the agricultural wage is not even two annas a day, you cannot expect that India can rise to equality with other parts of the world. Raise the wage structure and see what you can achieve. Concentrate your minds on creating better living conditions for all the people of India. The majority of the people of India are the poor agriculturists, ploughing in the sun and rain and producing just enough food to go round. It seems a little out of place to talk of better conditions when we are witnessing the tragedy that is haunting Bengal. I feel this tragedy has happened because India had ceased to be a single economic unit. If the integrity of India is maintained and all communities join to promote the common weal, we can banish poverty and carry through our plans for giving instruction to the boys and girls. As I am on the point of Bengal, I may mention that the early rice crop this year in Bengal is about one million acres more than in ordinary times and if the produce—

THE HONOURABLE PANDIT HIRDAY NATK KUNZRU : When will it mature ?

THE HONOURABLE SIR JOGENDRA SINGH : It is maturing now. Part of it has matured. If the produce is properly husbanded and the trade is allowed to function, I am quite sure that the present scarcity will not exist. But any interference may prevent the flow of food from villages to the towns.

There is one more point which I would like to mention. I am not a believer in resisting legitimate demands. The Honourable Mr. Sapru laid a great deal of stress on my resistance. I am neither a passive resister nor an active resister. Indeed, I am ready to co-operate and do my best for all communities and all manner of men. It is true I joined as a representative of my own community as a member of Government. But it is also none the less true that if I am true to the oath of office which I have taken and if I am true to the principles which have guided me through all my life, it is my ambition to serve, protect and promote all interests,—Mussalmans, Hindus, Christians,—alike. Our brethren of Islam have been partners in a great tradition, a tradition that has been built up by men not of my own generation but of generations that have gone before. It is my belief that the currents of goodwill have been temporarily interrupted. But I am full of faith, that once again the vital currents of goodwill will pass and repass between the two communities and they will draw strength from one another and the unity of all the people would be the symbol of India herself, above and beyond all creeds and castes. (*Applause.*)

THE HONOURABLE THE CHAIRMAN : . Motion moved :—

“That the Bill further to amend the Delhi University Act, 1922, as passed by the Legislative Assembly, be taken into consideration”.

Question put and Motion adopted.

THE HONOURABLE THE CHAIRMAN : There is another three-quarters of an hour. Shall we take up some of the amendments ?

THE HONOURABLE MR. SHAVAX A. LAL (Nominated Official): We shall take them up on Monday, Sir.

THE HONOURABLE THE CHAIRMAN: Some of these amendments cannot be moved, for instance the omission of clauses and so on. They are negative amendments.

THE HONOURABLE MR. SHAVAX A. LAL: They are direct negatives. There are previous rulings that they cannot be moved.

THE HONOURABLE THE CHAIRMAN: Can we not do the first page of the amendments?

• **THE HONOURABLE PANDIT HIRDAY NATH KUNZRU**: I think the amendments had better be taken up on Monday, Sir.

THE HONOURABLE THE CHAIRMAN: I want to know when we can finish?

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: I think Government are aware of the general desire of this side of the House that the discussion should end on Tuesday. We do not want to prolong the discussion unnecessarily.

THE HONOURABLE THE CHAIRMAN: The Third Reading also will be finished by Tuesday?

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: That is what we hope, Sir.

The Council then adjourned till Eleven of the Clock on Monday, the 30th August, 1943.

COUNCIL OF STATE
Monday, 30th August, 1943

The Council met in the Council Chamber of the Council House at Eleven of the Clock, the Honourable the Chairman (The Honourable Sir David Devadoss) in the Chair.

QUESTIONS AND ANSWERS.

DEARNESS ALLOWANCE PAID TO INDIAN ESTATE LABOURERS IN CEYLON.

145. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : (a) Has Government's attention been drawn to a statement made by Mr. Peri Sundaram to the United Press, in the course of which he says that the basis of the dearness allowance given to Indian labourers in Ceylon "has been altered rather adversely for the last few months!"

(b) Is this allegation correct? If so, what steps have Government taken to remedy this injustice?

THE HONOURABLE MR. G. S. BOZMAN : (a) Yes.

(b) The alteration to which Mr. Peri Sundaram referred is presumably the alteration in the method of calculating the cost of living index upon which the dearness allowance is based. This did result in a decrease in the amount of that allowance in May of this year, though there have again been monthly increases in subsequent months. The method of calculating the cost of living index is a matter on which it is possible to hold different opinions. It is the subject of negotiation with the Government of Ceylon.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : What is the exact method adopted by the Government of Ceylon?

THE HONOURABLE MR. G. S. BOZMAN : It is a very complicated method, Sir. I do not know that I can give it in full, but it takes every item that the labourers usually wish to buy into account. When they changed the basis certain items were left out because they were not obtainable. Other items were shown at lower prices because they were controlled. There is also a difference between up-country, mid-country and low-country estates, so that the actual working of the index is an extremely complicated affair. If the Honourable Member wishes to see the figures that I have, I shall be very glad to show them to him at any time.

PURCHASE OF BENGAL AND NORTH WESTERN RAILWAY AND ROHILKUND AND KUMAON RAILWAY.

146. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : (a) Is it a fact that when the question of purchasing the B. & N. W. R. and R. & K. R. was considered in 1936 one of the considerations which weighed with Government in deciding against its purchase was that the scales of pay of the subordinate and inferior staff on these railways were very low and that additional expenditure needed to revise them would seriously reduce the profits?

(b) Is it a fact that when the question again came up for consideration in 1941 and the Central Advisory Council for Railways was asked to decide in the case of both the railways between outright purchase and State management and the alternative of purchase by Government of the bulk of the Company's interest with a continuance of Company management, Government's estimates of the financial results of the first alternative took into consideration the additional expenditure which would be involved in improving the wages and conditions of service of the subordinate and inferior staff? What was Government's estimate of the additional expenditure?

THE HONOURABLE SIR SATYENDRA NATH ROY : (a) Yes, except that low scales of pay on the B. & N. W. and R. & K. Railways are in respect of inferior servants and some junior subordinates, while the scales for many senior subordinates are higher than on other railways.

(b) The Honourable Member's attention is invited to item 16 of the table at page 4 and the explanatory note on page 5 of the memorandum printed in the

"Summary of the Proceedings of the Meeting of the C. A. C. for Railways" held on 8th November 1941 (Vol. XVII, No. II, a copy of which is in the Library of the House). Out of the Rs. 14 lakhs mentioned therein as the additional cost of State-management, Rs. 9 lakhs represent the approximate cost of improving the scales of pay of the staff indicated in the answer to part (a), whose present scales are low.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Has Government taken any steps since then to increase the salaries given to the subordinate and inferior servants of these railways.

THE HONOURABLE SIR SATYENDRA NATH ROY : That will appear in the answer to the other question that the Honourable Member has asked.

REVISION OF PAY OF STAFF ON THE O. & T. R.

147. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Is it a fact that Government have not yet sanctioned and revision of the scales of pay of the subordinate and inferior staff of the O. & T. R. ? Are Government considering the matter ? If so, when do they expect to announce their decision ?

THE HONOURABLE SIR SATYENDRA NATH ROY : The reply to the first two parts is in the affirmative. As regards the last part, Government have the matter under consideration and will pass orders as soon as the examination of the whole position is completed.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : May we expect Government to arrive at a decision before the next Railway Budget is presented ?

THE HONOURABLE SIR SATYENDRA NATH ROY : I hope that will be possible, Sir. I am not entirely familiar with the steps that have been taken, but I know that the matter is under very active consideration. I will try to see that a decision is taken before the next budget session.

PAY OF INFERIOR STAFF ON THE O. & T. RAILWAY.

148. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : (a) Is it a fact that (i) the pay of many categories of the inferior staff (excluding dearness allowance) of the O. & T. Railway is only about Rs. 8 per month while the pay of the corresponding grades in the E. I. Railway is Rs. 13 per month and (ii) the maximum pay in most of the subordinate grades in the O. & T. Railway is only Rs. 50 per month ?

(b) Is it further a fact that the scales of pay prescribed for gazetted officers and for subordinates' grades which are filled mostly by Europeans and Anglo-Indians in the O. & T. Railway are no worse than those in other State-managed railways, and that in the case of European and Anglo-Indian subordinates recruited after 1941 they are actually better ?

THE HONOURABLE SIR SATYENDRA NATH ROY : (a) (i) This is so except that the corresponding grades on the E. I. R. start on Rs. 12.

(ii) Yes.

(b) As regards officers the old scales of pay on the O. & T. R. are less favourable than the corresponding scales on State Railways ; the revised scales on the O. & T. are also slightly less favourable than the revised State Railway scales, although the maxima of both are the same. As regards upper subordinates the scales of pay on the O. & T. R. are in many cases more favourable than the revised scales of pay of corresponding staff on the E. I. R. and less favourable than the old scales of pay on the latter Railway. So far as Government are aware, the percentage of Europeans and Anglo-Indians in these grades is not markedly different from many other Railways.

THE HONOURABLE MR. HOSSAIN IMAM : Are they better, as implied in the question ? I mean the pay and emoluments of Europeans and Anglo-Indians ?

THE HONOURABLE SIR SATYENDRA NATH ROY : Not as distinct from Indians. What I said was that in the grades of upper subordinates the rates of pay are slightly better than the revised rates of pay on State Railways.

THE HONOURABLE MR. P. N. SAPRU : With regard to paragraph (a) of the question, may I ask why there is this differentiation between the O. & T. R. and the I. R. in regard to the pay of the inferior staff ?

THE HONOURABLE SIR SATYENDRA NATH ROY : The B. & N. W. R., as my Honourable friend knows, was taken over a few months ago by the State. The rates of salary were fixed by the old Company-managed railway.

THE HONOURABLE MR. P. N. SAPRU : Is Government intending to revise the scale of salaries of the O. & T. R. staff?

THE HONOURABLE SIR SATYENDRA NATH ROY : I have already answered that, Sir, in reply to the previous question.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Will Government, when revising the salaries of the subordinate and inferior Indian staff of the O. & T. R. bear in mind the fact that they have been subjected to a grave injustice all these years, while the Europeans and Anglo-Indians have been faring as well as on any other line, perhaps a little better.

THE HONOURABLE SIR SATYENDRA NATH ROY : I am not quite sure that I understand my Honourable friend's suggestion. As far as I am aware, in the upper subordinate grades there is no differentiation between Indians and Europeans. It may be that the percentage of Europeans is considerable, but as I stated a little while ago, that percentage is not markedly different from certain other railways which the State took over. Whatever revision of pay or scales of pay is effected, it will apply equally to Indians and Europeans.

INDIAN TROOPS IN SOUTH AFRICA.

149. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Will Government state whether there are Indian troops in South Africa? If so, how long have they been there? Are they subjected to any kind of racial discrimination?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : The answer to the first part is in the negative. Other parts do not arise.

PAYMENT OF A LUMP SUM TO H. M. G. TO PROVIDE FOR PAYMENT OF STERLING PENSIONS.

150. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : (a) Did the Finance Member announce in his last budget speech that a lump sum would be paid to His Majesty's Government to provide for the payment of sterling pensions and the family pensions and provident funds payable in sterling at present?

(b) What is the capitalised value of these obligations and what is the rate of interest assumed for its determination?

THE HONOURABLE MR. C. E. JONES : (a) No. The attention of the Honourable Member is invited to paragraph 48 of the Budget Speech.

(b) It is not possible to calculate exactly the capitalised value of the future sterling liabilities of the Government of India in respect of pensions, family pensions and provident funds. On the basis of an assumed rate of interest of 3 per cent. per annum it is estimated that a lump sum payment of approximately £150 million would purchase the right to receive a series of sterling amounts sufficient to meet those obligations.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Is it intended to set aside this sum during the course of the present year or the next year?

THE HONOURABLE MR. C. E. JONES : There is no room for any intention at present. The scheme has not yet been accepted by His Majesty's Government.

THE HONOURABLE MR. V. V. KALIKAR : Is it a fact that the sum has already been set apart for this purpose?

THE HONOURABLE MR. C. E. JONES : Nothing has been set apart.

THE HONOURABLE MR. HOSSAIN IMAM : We did not hear the answer.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : I myself did not quite understand whether the Honourable Member said that the matter was still under discussion with the Secretary of State or had been settled and that only the sum remained to be paid.

THE HONOURABLE MR. C. E. JONES : The matter has only recently been put to His Majesty's Government. No decision has been reached and no agreement has been arrived at. Therefore there can at present be no intention to earmark any sum for this purpose.

DELHI UNIVERSITY (AMENDMENT) BILL—contd.

THE HONOURABLE THE CHAIRMAN (The Honourable Sir David Devadoss) : The Council will now take up the amendments to the Delhi University (Amendment) Bill.

THE HONOURABLE MR. J. D. TYSON (Education, Health and Lands Secretary) : Might I submit, Sir, that as there are no amendments to be moved in regard to the earlier clauses we might adopt the earlier clauses straightaway and then, Sir, stop short at the first clause to which there is an amendment. Otherwise, I am apprehensive that at the end of this long list we may find that we have omitted to put the earlier clauses to the House.

THE HONOURABLE THE CHAIRMAN : You want them to be put last ?

THE HONOURABLE MR. J. D. TYSON : If you agree, Sir, I would like clauses 3 and 4 to which there is no amendment to be moved first. Clause 1, Sir, cannot be put first.

THE HONOURABLE THE CHAIRMAN : Clauses 2, 3 and 4. The first amendment is to clause 5. We may also put the other clauses because some of the amendments cannot be moved. When I put the clause to the House those who want may move their amendments.

THE HONOURABLE SIR JOGENDRA SINGH (Education, Health and Lands Member) : The suggestion is that we proceed regularly from clause to clause and when you move a clause then amendments can be put.

THE HONOURABLE THE CHAIRMAN : That is what I say. The question is :—

“ That clauses 2, 3 and 4 be added to the Bill. ”

The Motion was adopted.

Clauses 2, 3 and 4 were added to the Bill.

THE HONOURABLE THE CHAIRMAN : Clause 5. The Honourable Mr. Hossain Imam.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan) : The Honourable Maulvi Ali Asgar Khan will move it, Sir.

***THE HONOURABLE MAULVI ALI ASGAR KHAN** (Assam : Muhammadan) : Sir, I move :—

“ That in clause 5 of the Bill in part (a) of the proposed proviso for the word ‘ four ’ the word ‘ three ’ be substituted.”

Sir, the reason for substituting three years instead of four is that it is observed in Lucknow, Allahabad and Aligarh Universities. There the term of Vice-Chancellor is for three years. If the Vice-Chancellor in these Universities can work for three years why should there be a departure in the Delhi University ? The Honourable Mr. Tyson has given the reason that suitable candidates will not be forthcoming for short periods but in other Universities, like Aligarh, Lucknow and Allahabad, there are good persons available for terms of three years. If one remains longer than three years in one department he gets hold of the department and may influence the other people of the department and this may lead to mismanagement in university work. That is why three years should be fixed instead of four years. I hope the Government will take the same attitude that they took in the other House and will accept this amendment since so many persons are offering for three years instead of four years.

Sir, I move the amendment.

***THE HONOURABLE MR. P. N. SAPRU** (United Provinces Southern : Non-Muhammadan) : Sir, I may at once say that I am opposed to this amendment. In the Allahabad University and in the Lucknow University the term of the office of the Vice-Chancellor is three years, but I think the matter was considered by the Narendra Deo Committee on Educational Reorganisation and they suggested, as far as I remember, a term of five years. Personally, I think four to five years is a reasonable period for the Vice-Chancellor. In three years the Vice-Chancellor is hardly able to do much. The first year he needs to pick up his work and just about the time when he is beginning to do his useful work he has to think of retirement or he has to think

* Not corrected by the Honourable Member.

of election and all that. Moreover this provision is only for a salaried Vice-Chancellor. He will not be able to pick up the threads of his work. I think, Sir, the provision that the term should be for four years is a reasonable and sound one and I hope that Government will stick to their position.

THE HONOURABLE MR. J. D. TYSON: Sir, I think I need add very little to what has been said by my Honourable friend Mr. Sapru in opposing the amendment. As he has very rightly said, this provision in our Bill applies only to a whole-time, and, as we can see, a paid Vice-Chancellor. I shall have to say perhaps a good deal more about our proposals for a Vice-Chancellor on the next amendment but it is pertinent to say in connection with this amendment that when you go out into the world to get a whole-time Vice-Chancellor you are asking the people who come forward to be ready, if appointed, to abstain from all their other activities. It would no longer be possible for a successful barrister or other professional man to follow his profession during day-time and to devote the evenings to the University. A whole-time Vice-Chancellor, as the very name implies, has got to devote his whole attention to the University. You are therefore asking whoever is coming forward to give up any other profession or pursuit and, as a corollary, we thought it necessary to assure him in advance of a reasonable tenure of office. We considered very carefully what that tenure should be and we were somewhat drawn to five years but we thought that, as there is nothing in the Act or in the Bill to say that he would not be eligible for a further period after the first, we should fix the term at four years, which is twice the term provided for a part-time Vice-Chancellor. The Honourable the Mover has suggested that if a person remains in office for longer than three years he gets a grip of his department, gets a hold over his department. Sir, we are not dismayed with the prospect of that happening. As the Honourable Mr. Sapru has himself said it takes a new man some time to settle down and we do not think that the kind of man that we want will come forward unless he is assured of a sufficiently long period to be able to leave his mark on the University. I think, Sir, there is not much difference between three and four years but we had considered the whole thing and we favoured four years as being neither so long as to make as it were for a dictatorship or so short that the Vice-Chancellorship would not be sure of getting good men and that the Vice-Chancellor would not be able to make a real contribution to the University during his period of office. I am afraid we must resist the amendment.

THE HONOURABLE MR. HOSSAIN IMAM: Mr. Chairman, I have looked at the Statutes of other universities and I find that no one has got a provision of four years in any of the 18 universities that exist in India. Has this wisdom all at once come to the Government of India, and has it been eluding the grasp of all the other Governments for all these years? I for one prefer the model of the Lucknow University where no term is fixed. Even in the Service to which the Honourable the Secretary belongs, the tenure posts are for five years, and they are not renewable.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (United Provinces Northern: Non-Muhammadan): There is a term fixed in the case of the Lucknow University. It must have been fixed under the Statute.

THE HONOURABLE MR. HOSSAIN IMAM: If similarly the provision had been included in the Statutes in the present case, it would have been in the hands of the Court to amend the provision as they liked; there would have been no need to come to the Legislature. The University itself would have been free to amend the provision as it liked. You are a champion for the University; so you should not oppose any measure which would give more power to the University than to the Government.

I was saying that a tenure post in the I. C. S. is for five years, and it is very rarely renewed. If you have got this provision, and if the Vice-Chancellor is a good Vice-Chancellor, as he is expected to be, he is bound to get an extension for a second term. There is no peculiar advantage in four years, and no peculiar disadvantage in three years. The plea that a man has to sacrifice by giving up his present employment before joining the University is not convincing. If he can make that sacrifice for a four-year term, he might as well make it for a three-year term. And he has got the best guarantee: he is eligible to be re-elected for a second term. If he works well, no Court, no Selection Committee, no Chancellor, would turn him out; and if he is inefficient, the shorter the period for which he remains and is an incubus on the University, the better it will be.

[Mr Hossain Imam.]

I support the amendment.

Question put and Motion negatived.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Mr. Chairman, I beg to move :—

“ That in part (c) of the proviso to clause 5 of the Bill, for the words beginning with the words ‘ make its recommendations ’ and ending with the words ‘ as Vice-Chancellor ’ the words ‘ elect one of them by the method of the single transferable vote as Vice-Chancellor subject to the confirmation of the Chancellor ’ be substituted.”

Sir, I shall explain very briefly why my Honourable friend Mr. Sapru and I considered it desirable to give notice of this amendment. The experience of the universities that already exist in India shows that safeguards should be provided in connection with the election of the Vice-Chancellor. Now, in the Bill before us, the Chancellor may on his own motion decide whether a whole-time Vice-Chancellor is needed or not. It is not left to the Executive Council to decide that matter. Therefore, if the Executive Council proves recalcitrant and, contrary to the interests of the University, desires to go on with the present system of honorary Vice-Chancellors, the Chancellor will be able to direct the Council to take steps to make recommendations for the appointment of a permanent Vice-Chancellor.

Again, Sir, it has been provided that :

“ A committee of three persons, two of whom shall be persons not connected with the University or any college nominated by the Executive Council, and one a person nominated by the Chancellor, who shall also appoint one of the three as chairman of the committee, shall select not less than three persons and shall report its selection to the Executive Council ”.

This means that when nominations are required for the post of Vice-Chancellor, the Executive Council itself will not take the initiative in making recommendations. It will be at liberty only to consider such names as are sent up to it by a selection committee constituted in the manner I have just indicated. This committee will consist of three persons one of whom will be nominated by the Chancellor. Apart from this, it will be for the Chancellor to decide who will be the chairman of the committee. It is clear, therefore, that the power that has been placed in the hands of the Chancellor should be regarded as a sufficient safeguard from the point of view of the Government. I do not mean to say that the Government have started with a distrust of the Executive Council. But when a system is about to be established, it is desirable that advantage should be taken of the experience of other universities so that if possible, the new system may not be open to the same objections as the systems prevailing in other universities. As I said the other day, I personally approve of this particular device for the suggestion of suitable names for the choice of a Vice-Chancellor to the Executive Council. I should however like that it should be recognised that the nominee of the Chancellor should be an educationist and not an official of the Home Department or the Information and Broadcasting Department or some such department. In view however of the safeguards mentioned above, I do not think that it is necessary to provide that the Executive Council, instead of electing a Vice-Chancellor out of the persons recommended to it by the selection committee should only make its recommendations to the Chancellor on the names submitted to it by the committee.

Sir, I think that the safeguards to which I have referred are ample and that consequently the election of the Vice-Chancellor should be left to the Executive Council. I am aware that there are at least three Universities in which the Vice-Chancellor is a whole-time salaried officer, the Lucknow and Dacca Universities, and the Allahabad University to which I belong. I want to compare the system prevailing in the Allahabad University with that prevailing in Lucknow and Dacca Universities. In these two latter Universities the Executive Council submits a few names to the Chancellor who appoints one of them as Vice-Chancellor. In the Allahabad University, however, three names are submitted to the Court by the Executive Council and it is the Court that makes the final selection. The appointment of the person chosen by the Court is subject to confirmation by the Chancellor, but the suggestion of names and the election of the Vice-Chancellor are in the hands of the University authorities. It may be objected, Sir, to this system that it disturbs the academic atmosphere of the University every three years. Whatever may be thought of this objection,

it seems to me that with all its defects it is preferable to the position assigned to the Executive Council by the Bill before us. I am aware of the defects of the system that prevails in the Allahabad University. But if I were asked to make my choice between the method laid down in the Allahabad University Act and that laid down in the Bill before us, I would certainly choose the method laid down in the Allahabad University Act. I am quite prepared to provide safeguards. But safeguards having been provided, I am not prepared to leave the final selection of the Vice-Chancellor to the Chancellor. I am aware of the special conditions prevailing in the Delhi University. But I am also aware of the policies and methods of action of the Central Government. Although the Chancellor is to make the final choice, he will certainly have to be advised by some department or other. If we could be assured that the selection would always be made in an impartial manner, it might be possible to argue that the method provided in the Bill would be preferable to that provided in any of the other Acts relating to the appointment of whole-time Vice-Chancellors. But no such guarantee can be given and if the Executive Council can be suspected of making appointments on non-educational grounds, the action of the Chancellor—the choice of the Chancellor will be really that of the Education Department of the Government of India—can be open to the same objection. I think, therefore, that the balance of advantage lies on the side of the amendment which I have moved.

There is just one word more that I should like to say before I sit down. My amendment provides that the Vice-Chancellor should be elected by the method of the single transferable vote. I have suggested this in order that the names sent up to the Executive Council by the Selection Committee might be properly considered and that if there are differences of opinion in the Executive Council, members holding those opinions might have a chance of exerting their due weight before the final election is made. There are several methods of election. I have proposed the method of the single transferable vote, that is, the system of proportional representation. It is possible to arrange for election in different ways under the proportional system, but, broadly speaking, the system which I have recommended is that of proportional representation. If for any reason this is not considered suitable, some other system can be laid down. I am not wedded to this particular suggestion. My main suggestion is that the Vice-Chancellor should be allowed to be elected by the Executive Council, his appointment however being subject to confirmation by the Chancellor. If the Chancellor disapproves of the person elected by the Executive Council, he may reject the Executive Council's choice. But he should not have the power to impose a man of his choice on the Executive Council. In the Lucknow University, so far I know in spite of the provision regarding the election of the Vice-Chancellor to which I have referred, the convention has grown up that the Chancellor will accept the first choice of the Executive Council. It may be said that a similar convention might grow up here. I can appreciate that. But I think it is better to provide a system which is less open to objection than that which the Bill recognises and I consequently recommend a compromise between the methods of election of the Vice-Chancellor prevalent in the Lucknow and Allahabad Universities. It would be difficult to hope that the suggestion that I have placed before the Council would be accepted by Government as the other House has dispersed. But the dispersal of the other House should be no insuperable objection to the acceptance of my amendment. The academic system to which the Bill seeks to give legislative sanction is already in operation. If things go on for a couple of months more as they are doing now, no harm will be done to the University and the matter to which I attach so much importance will be dealt with in what I consider to be the best way.

THE HONOURABLE MR. J. D. TYSON: Sir, the only provisions in the existing Act and Statutes about the Vice-Chancellor are that the Vice-Chancellor shall be appointed by the Chancellor after consideration of the recommendations of the Executive Council and the Statutes lay down that he shall hold office for two years. That, Sir, was as regards the unpaid Vice-Chancellor, for there is no provision in the existing Act, unless this Bill goes through, for paying the Vice-Chancellor anything. The fact remains that so far as the Act goes, the part-time Vice-Chancellor is appointed by the Chancellor after consideration of the

[Mr. J. D. Tyson.]

recommendations of the Executive Council. Now, Sir, in view of the importance that we attach to this educational experiment, for it is, with due deference, an educational experiment this is the first University—

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: I decline to accept that.

THE HONOURABLE MR. J. D. TYSON: I was going to meet my Honourable friend's point. This is the first University which is really putting into effect a three-year course. There might have been a division of education elsewhere, but the three-years degree course is the thing to which we attach importance; and in view of the importance which we attach to that, of the large amount of money that in spite of the war the Government of India are putting up to implement that experiment, we deemed it necessary to have provision in the Act for having a Vice-Chancellor who could devote his whole time to University work and with that in view we brought forward a proviso to the existing section which I have just read out. I am going to inflict this also on the House because I want to show how far we have already gone away from our original proposal. We let the existing legislation stand so far as part-time Vice-Chancellor is concerned and we were adding the following proviso:—

" Provided that if the Chancellor is of opinion, and so informs the Executive Council, that a Vice-Chancellor should be appointed on the condition that he gives his whole time to the work of the University, the appointment shall be made by the Chancellor after such consultation with the Executive Council as he thinks fit, and in that case the Vice-Chancellor shall hold office for such period as the Chancellor may fix, and shall be paid such salary as the Chancellor may determine ".

We sent that to the University for opinion. That was our proposal in the Bill as introduced in another place. The Honourable Mr. Hossain Imam will see that our first suggestion was that we should not fix the pay of the Vice-Chancellor and that the Vice-Chancellor should hold office for such period as the Chancellor may fix. The University pointed out the risk that might arise from a procedure of that kind—the Chancellor deciding that a paid Vice-Chancellor was necessary and making a selection after no very well defined consultation with the Executive Council and they pointed out that you might get a position in which the Chancellor forced a Vice-Chancellor on the University against the wishes of the Executive Council and that, whether that was in any particular case justified or not, it was likely to lead—almost bound to lead—to a deadlock, and they made their own suggestions as to how provision should be made in the Act for a paid Vice-Chancellor. Now, Sir, the Select Committee considered these opinions of the Executive Council and the Academic Council. They gave very long and anxious consideration to this for it was one of the most important points in the Bill. The Select Committee endeavoured to associate the University, more particularly the Executive Council, with this procedure. They gave the Executive Council concurrent power of initiative in saying whether there should be a paid Vice-Chancellor. It is true that the Chancellor will still make the final decision as to whether there should be one or not, either of his own motion or on the proposal of the Executive Council. But at any rate the Executive Council share the initiative there; and I may say that if the Executive Council were very strongly against the proposal that there should be a paid Vice-Chancellor it is clear that that is an element in the situation to which the Chancellor before finally deciding would have to give very serious consideration. The Chancellor, Sir, in respect of Delhi University is not the Governor General in Council. He is a separate entity. He is entrusted under the Act with a good many duties and responsibilities the nature of which seems to show that he is regarded as something apart from the Governor General and, if need be, as a kind of arbitrator between what the University thinks is the best thing and what the executive Government, which has such a big stake in this particular University, thinks is a good thing. I will not inflict on the House all the powers that the Chancellor has of ordering inspections, making certain appointments, such as, the Pro-Chancellor, the Rector, etc.—there are a good number scattered through the Act—appointing umpires, tribunals of arbitration etc. We deliberately put the power here into the hands of the Chancellor for the reason that he was not the Governor General.

in-Council. Now, Sir, the proposal that has emerged as a result of very careful consideration in the Select Committee is as follows :—

“ Provided that if the Chancellor of his own motion or at the instance of the Executive Council after consultation with the Academic Council is of opinion that a Vice-Chancellor should be appointed on the condition that he gives his whole time to the work of the University, the following provisions shall apply to the appointment of the Vice-Chancellor, namely : The Vice-Chancellor shall hold office for four years ”.

So we put it in the Act what his term of office should be. We took that out of the discretion of the Chancellor. The Vice-Chancellor shall receive a salary which is stated in the Act. We took that out of the discretion of the Chancellor. It was previously our suggestion that he should be paid such salary as the Chancellor may determine. And then as regards machinery, we made provision which is now before the House,—a Committee of three persons two of whom shall be persons, not connected with the University or any college, nominated by the Executive Council, and one person nominated by the Chancellor who shall also appoint one of the three as Chairman of the Committee. We had originally proposed that the Chancellor's nominee should be Chairman ; but now we say that the Chancellor shall select one of these three to be the Chairman. It leaves it open to the Chancellor to select the best man as Chairman for we realise that a man might be put in by the Chancellor not with a view to being the Chairman but to fill up some gap which the election of two persons by the Executive Council might leave open but that one of the nominees of the Executive Council might be the most suitable Chairman ; so that it is quite possible that the Executive Council will be associated with this committee of selection to the extent that two of the three persons will be their nominees and it may well be that one of those two will be the Chairman.

Then, Sir, we provide that this Selection Committee shall report its selection to the Executive Council and the Executive Council shall make its recommendation on the persons so selected to the Chancellor who shall appoint one such person as Vice-Chancellor. The Chancellor, Sir, cannot go outside the range of persons recommended by the Selection Committee and reported upon, shall I say, by the Executive Committee. Now, Sir, it has been said by my Honourable friend who moved the amendment that the Executive Council will be tied to the names put up by the Selection Committee. That is quite true. They will be tied but they have two members on the Selection Committee.

THE HONOURABLE MR. P. N. SAPRU : Will the Chancellor be tied to the names suggested by the Executive Council ?

THE HONOURABLE MR. J. D. TYSON : Yes, the Chancellor will also be tied, entirely tied, to the names recommended by the Selection Committee and reported on by the Executive Council.

Now, Sir, when we made a reference to them as regards the machinery, the Executive Council and the Academic Council of the University made this suggestion :—

“ They would further suggest that, instead of recommending a single name as has been the practice in the past, the Executive Council in this case should submit a panel of three names to the Chancellor for the appointment of Vice-Chancellor, the names to be selected by plural cumulative voting, if voting is at all necessary ”.

So, Sir, they were to submit three names and they were to select the three names by plural cumulative voting, but I would submit that what the University had in mind was that the Chancellor should make a choice and not merely approve a choice made by the Executive Council. That suggestion, that method of approach at all events, which is our method of approach also, has the blessing of no less an educationist than the Vice-Chancellor of the University of Aligarh who in another place sought to move an amendment which, as he introduced it, was our procedure in a different language. We did not quite see eye to eye with him there but it substantially was our procedure and he liked the idea that the Chancellor should make a choice from this restricted list put up by the Executive Council. Now, Sir, that does appear to be the procedure in most of the Universities in which there is a provision for a paid Vice-Chancellor. The University of Dacca :—

“ The Vice-Chancellor shall be appointed by the Chancellor after consideration of the recommendations of the Executive Committee ”.

[Mr. J. D. Tyson.]

Madras :—

"The Vice-Chancellor shall be a whole-time officer of the University and shall be appointed by the Chancellor from amongst three persons recommended by the Senate".

Annamalai :—

"The Vice-Chancellor shall be appointed by the Chancellor from a panel of three persons recommended by the Founder".

Lucknow University :—

"The Vice-Chancellor shall be appointed by the Chancellor after consideration of the recommendations of the Executive Council".

Possibly, Sir, in Lucknow the tradition has arisen that he accepts the first name. There is nothing under our proposal also to prevent that tradition arising.

Punjab University :—

"The Vice-Chancellor shall be such one of the Fellows as the Chancellor may from time to time appoint in this behalf".

and in Calcutta, if I remember aright, I think the Government of Bengal actually appoint the Vice-Chancellor.

So, Sir, there is nothing unusual in the proposal that we have made. Now, there is another reason—I put it forward with some diffidence but I think it is a valid reason—why we should give the final choice to the Chancellor amongst the three names that might come to him through this channel in which the Executive Council has had such an important part to play, and that is that circumstances might arise if we have a succession of paid Vice-Chancellors—the matter has not at all been decided—circumstances might arise in which the Chancellor might feel it desirable, keeping to the names put to him, to make a break. Supposing that there had been, shall I say, three Europeans, or rather three successive European paid Vice-Chancellors of Delhi University, and the Chancellor thought that it was about time that an Indian had a look in and the names came up with a European, a Muslim and a Hindu,—we think that there is value in giving the Chancellor the opportunity to take that sort of situation also into consideration. Whether that sort of situation will ever arise or not it is not for me to say. We do not know how often the University will want a paid Vice-Chancellor or the Chancellor deem it necessary that they should have one.

So, Sir, in conclusion I would say that, this present procedure, which is not far out of line, so far as the machinery goes, with what the University recommended, does represent the fruits of very careful consideration. It is a marked advance, and I would go further and say that it is a marked improvement, on our original recommendations and we would be very unwilling to alter it in the sense of the amendment, which would mean that the Vice-Chancellor would be elected by the Executive Council subject only to confirmation by the Chancellor. Sir, I am afraid I must oppose the amendment.

THE HONOURABLE MR. P. N. SAPRU : The cat is out of the bag. As I say, the Government have not been resisting communalism. The claim of the Education Member that he had resisted the introduction of communalism has been disproved by the observations which the Honourable Mr. Tyson has made in the concluding part of his speech. He said that it was desirable to have this power in the hands of the Chancellor because circumstances might arise when it might be necessary for him to intervene. He gave the instance of three Europeans being appointed in successive periods, whereas as a matter of fact what he had in mind was that there might be three Hindus appointed in three successive periods and then there might be a claim from the Muslim side that they must have a Vice-Chancellor, and there must, therefore, be the power reserved to the Chancellor to intervene and say, "I shall have a Muslim this time". Therefore, the principle, as I said, of communalism has been recognised in this Bill and I am glad that this amendment has had the effect of unmasking the intentions of Government.

Sir, when we proposed the single transferable vote—I do not know whether that was an ideal suggestion—we had this minority business also in mind. Personally, I may say that I am a very great believer in proportional representation and I think it was possible to discover some method of proportional representation. I am not very good in mathematics—I am very weak—but I think it is

possible to discover some method of alternative voting, some system of proportional representation, whereby you can assure fair representation for all the cultures which must be represented in the University. As regards the selection of the Vice-Chancellor, we had this consideration in mind when we sent our suggestion.

Now, so far as the arguments are concerned, I may point out that the system in Allahabad has worked fairly well. It has given to the Allahabad University three very, very able and distinguished Vice-Chancellors. The first Vice-Chancellor was Dr. Ganganath Jha, perhaps the most eminent Orientalist of his time, and a great educational administrator. The second Vice-Chancellor was Pandit Iqbal Narayan Gurtu, a scholarly man, and a very capable administrator, an extremely able administrator. The third Vice-Chancellor is Pandit Amarnath Jha, a most efficient Vice-Chancellor, a man of dynamic personality, and energy who has done a great deal for the University. Can it be said that the very democratic system that we have in Allahabad, with all its faults, has given the Allahabad University an inferior type of Vice-Chancellor to that appointed by government in universities where the selection rests in the hands of the Chancellor?

Sir, the Honourable Mr. Tyson said that the whole scheme was in the nature of an experiment, and that government was reorganising secondary education in Allahabad. We claim to have reorganised secondary education in Allahabad in our own way. We wish your experiment every success. As I pointed out, the three years' course is not something new. We have the three-years' honours course in Allahabad. What you are doing is to have a three-years' pass course also. Well, assuming that you are trying a new experiment and that you are going to give grants, that does not entitle you to tighten control over the University. Oxford and Cambridge Universities and other universities also receive grants from the British Exchequer, but I have never heard it suggested that that is a valid ground for exercising greater supervision over them. In Oxford the Vice-Chancellorship goes by rotation to the principals of the various colleges. Here, the suggestion that we made was of a very modest character. There were so many safeguards, to which reference has been made by the Honourable Mr. Kunzru. A negative power was given to the Governor General; he could say, "I do not like any of these three names; you give me some other names". What we were denying him was the affirmative power. It was said that the Governor General would act, not as Governor General, and not as Governor General in Council, but as Chancellor. Well, Sir, the only existence that the Governor General has in this country is as the head of the Indian State. He would not be the Chancellor if he were not the Governor General. And the Governor General would naturally go by the advice of the Department of Education. And we cannot always be certain of having in the Department of Education an Educational Adviser of the liberalism of my Honourable friend Mr. Sargent.

THE HONOURABLE MR. J. D. TYSON: Would he not sometimes prefer the advice of his Vice-Chancellor? Is that entirely ruled out?

THE HONOURABLE MR. P. N. SAPRU: Then it means that he will go by the advice of the retiring Vice-Chancellor. Well, Sir, I do not know whether that will be an ideal system. Suppose the Vice-Chancellor is an able man. He cannot ask the Chancellor to renominate himself. He might think that he himself would be an ideal person to carry on for another three or four years, and he would feel extremely embarrassed if the Chancellor asked him, "Whom am I to appoint?" He could not say, "Appoint me". Therefore, he will have to fall back upon the Department of Education—which also supplies money to the University.

Therefore, what we have done is that we have given this power of selection of the Vice-Chancellor to the Executive Council. At the present moment we have an irresponsible Executive Government. That is bad enough. But when we have a responsible Government operating at the centre—and I hope we shall have a responsible Government at the centre, because I want this Executive Council to disappear as quickly as possible—then we shall have party control of the administration of the University, because the party in power will prefer a person who is in sympathy with its ideals and aspirations.

I think, Sir, therefore, that there is a very strong case for revising the attitude of Government in regard to this matter. In any case I should like some indication

[Mr. P. N. Sapru.]

to be given that, following the convention of Lucknow, the Chancellor will respect the recommendations of the Executive Council. I do not wish to say anything about the Delhi University Court's opinion. I am not guided by the opinion of the Delhi University or any other body. I have taken my stand upon experience derived from my province, and from other provinces also with which I am familiar.

THE HONOURABLE MR. HOSSAIN IMAM : Mr. Chairman, I was rather struck by the prolonged discussion on this amendment. As a matter of fact, there is very little difference between what the Bill contains and what the amendment recommends. When once the Governor General has surrendered his power of nominating anyone he likes to the panel which will be sent in by the selection committee, he has really surrendered all control. His power of nomination is very illusory. Let me give you an instance. We had to send, during the last Provincial elections, Scheduled Caste representatives. In the first primary elections there were a number of men to be elected by the Depressed Class voters, and the list was to be submitted to the joint electorate. A man was selected who was really to stand, and two or three nonentities were also selected, consequently the nonentities were not returned and the result was the final election of the selected candidate alone. What the selection committee can do is to select one prominent man, and the other two nominees will be included merely to fill the gap. The Chancellor has no chance of going outside that list. The selection committee is dominated by the Executive Council, which has got two members of its own out of three. So, we really do not find that there is anything to be gained by the amendment and anything lost by the Bill. For ourselves, we have no hope either from the Executive Council or from the Chancellor ; so we stand neutral. But we feel that there is nothing to be gained from the amendment, and nothing to be lost by the Bill as it is.

THE HONOURABLE THE CHAIRMAN : Amendment moved :—

“ That in part (c) of the proviso to clause 5 of the Bill, for the words beginning with the words ‘ make its recommendations ’ and ending with the words ‘ as Vice-Chancellor ’ the words ‘ elect one of them by the method of the single transferable vote as Vice-Chancellor subject to the confirmation of the Chancellor ’ be substituted ”.

Question put : The Council divided :—

AYES—6.

Kaliker, Hon. Mr. V. V.
Kunzru, Hon. Pandit Hriday Nath.
Ram Saran Das, Hon. Rai Bahadur Lala.

Ray Cnauthury, Hon. Mr. Kumarsankar.
Sapru, Hon. Mr. P. N.
Sinha, Hon. Kumar Nripendra Narayan.

NOES—19.

Ashraf Said, Hon. Mr.
Bozman, Hon. Mr. G. S.
Charanjit Singh, Hon. Raja.
Conran-Smith, Hon. Mr. E.
Ghosal, Hon. Sir Josna.
Hydari, Hon. Mr. M. S. A.
Jogendra Singh, Hon. Sir.
Jones, Hon. Mr. C. F.
Khurshid Ali Khan, Hon. Nawabzada.
Lal, Hon. Mr. Shavax A.

Mahomed Usman, Hon. Sir.
Menon, Hon. Sir Ramunni.
Mitra, Hon. Mr. D. N.
Mukherjee, Hon. Sir Satya Charan.
Pillai, Hon. Mr. N. R.
Ray, Hon. Mr. S. N.
Roy, Hon. Sir Satyendra Nath.
Sargent, Hon. Mr. J.
Tyson, Hon. Mr. J. D.

The Motion was negatived.

***THE HONOURABLE MAULVI ALI ASGAR KHAN :** Sir, I move :—

“ That in clause 5 of the Bill in part (c) of the proposed proviso after the word ‘ whom ’ the words ‘ one being a Muslim ’ be inserted. ”

Sir, in the other House much time was spent over the amendment of this clause with no effect. Government took up such an attitude that almost all the amendments brought by the Muslim League were rejected. Why, Sir ? Was there none of these amendments worth consideration ? I presume the same attitude will be adopted in this House because Government know that they have got a majority of votes with the help of the nominated members. Sir, I am not communalist. But since almost all the universities have been controlled by other communities and every one is not liberal, the Muslims should have reservation of seats similar to other departments of the Government. Unless this is done, the minority community is

hard hit. Of course communalism should not come to universities. But without reservation of some seats the Muslims will hardly be represented. It is often found that Muslims are not properly represented in the universities and other places, because the power has gone into the hands of the other communities from a long time and unless reservation is done, their cause will not be protected. I would, therefore, urge the Government as well as the other Honourable Members to carry this amendment, because, unless this amendment is carried, Muslim interests will not be safeguarded as much as those of the other communities which are already well represented, judging from past bitter experience. That is why we want this amendment. If we cannot carry it here, yet we can enter our strong protest.

With these words, Sir, I move the amendment.

*THE HONOURABLE MR. P. N. SAPRU : Sir, I feel that the amendment which my Honourable friend has moved is unnecessary, because the Appointment Board will consist of three members one of whom shall be appointed by the Chancellor and two shall be elected by the Executive Council. They will be elected by the Executive Council in such manner as the Executive Council decides. I suppose we are not laying down the rules of election by the Executive Council and in any case there is the Chancellor's nomination to safeguard the interests of the Muslims on the Appointment Board. I should like the Appointment Board to be so constituted as to inspire confidence in every section of the community. I think the attacks on the Selection Committee by the Honourable Mr. Hossain Imam have been very unfair. The suggested system of Appointment Board is a good one and I see no reason to alter it.

THE HONOURABLE MR. J. D. TYSON : This is the first of the so-called communal amendments, Sir, and although it is of a rather specialised nature it was sought to be supported by my Honourable friend Maulvi Ali Asgar Khan on general grounds as a communal amendment. I think it will save the time of this Honourable House—and I think it is only fair—if on this amendment I take the opportunity, the first I have had, of explaining our attitude to amendments of this character, for there are a good many on the list afterwards. Now, Sir, in the Delhi University Act, apart from one or two so-called "close" scholarships or scholarships reserved for a member of a certain community or even of a certain caste, there is no statutory reservation for any minority community. To put them out of the way at once, let me say that these close scholarships, reserved scholarships, were accepted not by Government but by the University. It was open to any community to offer scholarships or medals to the University on the condition that they should only be awarded to a person of that community. I do not regard them as communal, really. But they have been accepted in the past and they are there, Sir. I hardly regard those as communal provisions in the Bill, for as I say it was open to any community in days gone by to make an offer of that kind to the University. I do not say that it is open now, for I believe the University has of late set its face against such gifts. Apart from those, it is a fact of which we must take notice that there is at present no provision of this kind (communal reservation) in the Act : it is, of course, a point of grievance with my Honourable friends on my right. Further than that, Sir, I think I am right in saying that there is no such provision in the Act or Statutes of any University in India, in most of the 16 Universities of a general nature—I am omitting Aligarh and Benares which of course have special communities primarily in mind—but of the remaining 16 there is only one in which I believe provision of this kind is made. That, Sir, is the Dacca University.* The University of Dacca was founded largely as a result of the Sadler Commission's Report on the University of Calcutta. The Sadler Commission, which I need hardly remind this House was a very authoritative body with such undoubted experts in matters of education as the late Sir Asutosh Mukherjee, did recommend both for Dacca where it was in contemplation to have a University and for Calcutta a certain measure of communal reservation. The case of Dacca I have said was somewhat special. The Sadler Commission pointed out that the Mussalmans of Eastern Bengal had in the past not availed themselves of facilities for higher education, that they were now showing a very praiseworthy and laudable desire to avail themselves of it, that the pressure on the

* Not corrected by the Honourable Member.

[Mr. J. D. Tyson.]

University of Calcutta from this new source of recruitment of undergraduates was becoming increasingly severe and they warmly supported the idea that in East Bengal, which is predominantly a Muslim area, the aspirations of the people should be given this outlet, the Dacca College should be raised to the stature of a University and special steps should be taken to ensure that the Muslim voice should be heard in that University; and they made recommendations which were very largely adopted afterwards in the Dacca University Act. That, Sir, is the one University in India where there is communal representation provided for in the Act and Statutes. It is perhaps significant that though they made a recommendation for a lesser degree of communal representation in the University of Calcutta that University has not yet accepted the recommendation. Now, Sir, I have said that the position in Dacca was special and it may be that the position in Delhi is special. But that point has never yet been fully explored. I only make the point at this stage that we have not got any such reservation in the existing Act and that it does not exist in any University, except Dacca. More than that, Sir, the Delhi University Act was to a large extent drawn on lines familiar in the Dacca and Lucknow University Acts; and if Honourable Members who have the Calendar of the University before them will look at the Statement of Objects and Reasons and the Report of the Select Committee on the parent Act, the Delhi University Act, quoted in that calendar, they will find that Government at that time proposed to follow the Dacca University Act in providing for communal representation and reservation of seats on communal basis; and, as was I think mentioned on the first day the Bill was before this Honourable House, the Joint Select Committee, apparently with one dissentient voice, cut it out—

THE HONOURABLE MR. HOSSAIN IMAM : The only representative of the Muslim community.

THE HONOURABLE MR. J. D. TYSON : Maulvi Abul Kasem submitted a note of dissent. The Honourable Member of those days, Sir Muhammad Shafi, signed the majority report. So far as I know the University has not itself considered moving for restoration of such provisions in the Act or in the Statutes. That, Sir, is a thing that we definitely have to bear in mind, that we have not been approached at all by the University on this point. This Bill at present before the House was brought for certain limited purposes, chiefly corrected with implementing the three-year degree course and giving statutory effect to certain important provisions in the new conditions on Government grant to colleges. In preparing for and drafting this Bill Government did not in any way attempt to review the whole working of the University. It was not our purpose to overhaul the whole University, either its Act and Statutes or its working. We had certain limited objects in view. If we had been wanting to overhaul the whole working of the University, we should probably have desired the advice of a commission or committee before undertaking so large a task and it is open to doubt whether this is the time for doing such a thing. But we had this urgent matter before us, of the three-year course, and wanted to legislate primarily to get it through and we have taken the opportunity to do certain other things to improve, as we believe, the machinery of the University, but our Bill was not intended to be a general overhaul of that machinery. One of the aspects that we certainly did not review at all or propose to tackle in our Bill was the working of the machinery of the University from the communal point of view, and, in fact, that matter was not raised in another place on the Second Reading of the Bill on Motion for reference to a Select Committee, nor was it raised in the Select Committee. I am perfectly aware that, as I still very much regret, we were deprived of the help of the designated members of the Select Committee from the Honourable Mr. Hossain Imam's Party but, Sir, we did have Muslims on the Select Committee and the opportunity was not taken of raising it through them. So, Sir, I think the House will appreciate why, when a sheaf of amendments were put forward in another place at the clause-to-clause consideration of the Bill, we hesitated to accept them. Amendments of that kind, coming forward at that late stage, if accepted, would have committed us to thrusting upon the University, without any consultation with them, a full-fledged scheme of communal representation.

Now, Sir, I do not at all wish—I do not feel qualified, I frankly admit—to pronounce today in connection with this Bill on the merits and demerits of communal

representation in universities. It has not been with us a live issue. It was no part of our original intention and it came up at a stage at which we honestly could not have accepted an amendment and thrust it on the University. I do not wish to comment on the merits and demerits as a matter of principle or as an abstract idea at all. We have heard that from the purely educational point of view there are objections to talking of Muslim education and Hindu education : and other references have been made to it from the political point of view ; but, of course, the fact is that communal representation finds a large place in the public life of the country, the constitution and other political matters, and it obviously cannot just be thrown out like this. My point, Sir, is this,—that I do not wish in anything that I may have to say on this Bill now or at a later stage to be considered to be pronouncing a judgment on the merits of communal representation as such, nor, Sir, will I say that we view from Government Benches with any complacency the part that the minorities are able to play in the Delhi University. As against this, however, Sir, the representation which has been sought to be secured for one particular minority in the amendments that are to be placed before this House do go beyond the degree of participation which that particular community has hitherto played in the University, as will be borne out by the figures which were quoted by my Honourable friend the Educational Adviser in his speech on the Second Reading on Saturday. Very briefly, where the registered graduates of the Muslim community are one-eleventh of the total number of registered graduates, can we be expected at very short notice to accept suggestions that a reservation of seats among registered graduates should be in the neighbourhood of one-third or one-fourth ? So the thing wants very close examination, closer examination than could possibly be given to it when it comes up at the stage of clause-to-clause consideration of the Bill. As a token of our appreciation of the fact that minorities have not hitherto played a conspicuous part, or, in our opinion, an adequate part in the administration of the Delhi University, we did accept and we did ourselves put forward in another place certain amendments which now form part of the Bill before the House and we threw out the suggestion—and indeed gave a promise which I am willing to give on the floor of this House also—that if the University would consider introducing the principle of proportional representation into its institutions, that very fair method of securing representation for substantial minorities would have very warm support from Government, and we would use such influence as we command in the University to get it adopted. We have reason to suppose that to some important quarters in the University, at all events some quarters of influence in the University, such a proposal is not unwelcome. So, Sir, I wanted to make it clear that our refusal to be, if I may say so, rushed into accepting at the clause to clause stage a large number of amendments designed to introduce what is for Delhi and would be for most universities in India an entirely novel feature must not be considered, must not be taken, to be pronouncing on the merits of communal representation of itself. This, is, Sir, a very urgent Bill brought for certain narrowly defined purposes and we would not be willing to hold it back, to refer this very large subject to the University and to get its views upon it.

Coming now, Sir, to the particular amendment before the House, it seeks to lay down that one of the Committee of three to be set up to advise regarding the selection of a whole-time Vice-Chancellor must be a Muslim. Well, Sir, I have given my general reasons for not wishing to introduce such a thing into the present Bill or into the Act, and the particular amendment itself is also open to the criticism that if the Executive Council did not happen to select a Muslim it would bind the Chancellor to select a Muslim. Now one of the merits of our present proposal is that it would be open to the Chancellor to select a Muslim to fill a vacancy, but we would not like to bind him, as in fact this amendment would do, for we can conceive of circumstances in which the Chancellor might wish to fill that place by selecting an educationist of some particular kind. He might not wish to make a selection at all on a religious basis but he might find that the two persons unconnected with the University or any College put up by the Executive Council, though admirable in themselves, were neither of them educationists—they might have other admirable qualities—and he might wish above all to have an educationist. So, Sir, I feel we cannot accept an amendment which would bind the Chancellor in certain circumstances to appoint a Muslim to the Selection Committee.

[Mr. J. D. Tyson.]

I must apologise for having made a rather long statement on a very small amendment. But, as I said, I wanted to make our position as clear as possible, so that we may not be thought to be adamant, or necessarily opposed to all proposals of this kind. And I think that in the end it will be found that I have saved the time of the House by explaining our position at the very first possible opportunity.

* THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR (Madras : Muhammadan) : Even though my Honourable friend Mr. Tyson has found it necessary to oppose this amendment, I must in fairness say that he has been very fair in the observations which he has made. Even though he thought that it was his duty to oppose the amendment, his own speech, from the beginning to the end, has been an admission of the fact that the Mussalmans had not been given their due rights in the Delhi University. I am glad that the speech which has today been made from the Government benches shows a real appreciation of the situation in the country. This speech seems to give us a hope that since the Government feels that the Mussalmans do have a case, it will wake up to its duty of redressing their grievance. I am therefore glad that today's speech from the Government Benches marks a very welcome departure from the speeches that were made on Saturday last, which showed a wilful refusal on the part of the Government to face facts and to admit stern realities.

After all, what are the reasons that the Honourable Mr. Tyson has advanced for the inability of the Government to accede to our demand? His reason is that the Government had not had time to go into this question completely, and that without investigating this question thoroughly it would not be possible for them to try to take steps to do the needful in this direction. It is also said that the purpose of this Bill was not to review and overhaul the whole system of education in the Delhi University, but that it was some specific purpose which led them to bring this Bill. Well, Sir, we would not have put Government to all this inconvenience by moving amendments in the other House and by giving notice of a large number of amendments in this House also if only Government had confined themselves to the purpose which they say they had in view. The purpose, as I understand it, is to introduce a new three-year course for the degree, and also to have a paid Vice-Chancellor for the Delhi University. These two were very plain matters, and if only Government had confined themselves to these in the amending Bill, we would not have taken all this trouble, and we would not have put Government to all this worry. But since Government thought that under the cloak of this simple proposal they would avail themselves of the opportunity to bring a more detailed Bill so that for some years at least there might not be any justification for any Bill of this kind to be brought in connection with the amendment of the Delhi University Act, we have our grievance against Government, and it is for this reason that we have been, on behalf of the Muslim League Party, in the other House and in this House also, trying to make Government understand the situation, to face facts and to do justice to the Mussalmans.

Sir, the Honourable Mr. Tyson had also the fairness to admit that the Government does not view with complacency the present state of things in the Delhi University as regards the securing of benefits of the University to the minorities. There is this glaring fact that one of the minorities, and particularly the Muslim minority, has not been given its due. When this is the position, what is it that prevents Government, what is it that prevents the Honourable Mr. Tyson, from accepting this amendment? It looks as though the Honourable Mr. Tyson is not a free agent. Otherwise I do not know what it is that keeps him from promising to do the needful? Is the time inopportune? Do they want to wait for some auspicious moment for doing justice? There is a saying in Persian :—

Darkar-e-khair Hajath-e-Heech Istekhara Neesth.

For doing the right thing, it is not necessary for you to find out which is the auspicious hour. Every hour is auspicious, if what you want to do is really good. It is not necessary for Government to wait for some favourable moment when once they know there is injustice. It is their duty at once to try and stop the injustice and bring about communal equality.

Sir, it has been said that there is one university at least in India, barring the two special universities which are for particular communities, in respect of which the Sadler Commission made a recommendation to this effect. I mean the Dacca University. The Honourable Mr. Tyson admitted that this recommendation was made by the Sadler Commission for Dacca, because the Commission felt that there was a desire on the part of Muslims in that region for increased benefits of university education of which they had been deprived until then. But I ask, is there not evidence enough to show that the Muslims of Delhi Province—that the Muslims of the whole of India, for that matter, because Delhi is a place where Muslim boys from all parts of the country come, because their parents in Government service are transferred to Delhi—is there not enough evidence, I ask, to show that the Muslim community wants to get its due share in the Delhi University? Can there be anything more convincing than the ardent desire expressed and the persistent efforts made by the Muslim League in the other House, in spite of the obstinacy on the part of Government to accede to our reasonable requests?

As regards the Delhi University also, the Honourable Mr. Tyson had to admit—facts cannot be denied—that the original Bill, as it was proposed in 1922, when this University came into existence, did contain this provision for communal representation. And why was this provision not incorporated in the Delhi University Act? It was only because in the Select Committee which went through the Bill there was one solitary Muslim. I do not take the Honourable Sir Muhammad Shafi as representing the Muslim community. As my Honourable friend the Member for Education said, the moment they take the oath of allegiance, they cease to represent their own community. I like that. Once they take their seat on the Executive Council, they cease to be partisans, they cease to belong to any party. But the very fact that they cease to belong to any community should not deter them from doing justice. The only solitary member, as I was saying, of the Select Committee who was supposed to safeguard and protect the interests of the Muslim community was Maulvi Abul Kasem—and that in a committee of about 14 members. Maulvi Abul Kasem could not have an opportunity to press his point of view on the whole committee. He was the only Mussalman on the Committee. We see how all the members of the Muslim League in the Legislative Assembly were not able to alter even a jot or tittle of what the Government brought forward. Do you expect Maulvi Abul Kasem to do single-handed what the whole of the Muslim League in the Legislative Assembly could not do? The result was that the Committee recommended that there should be no specific provision for communal reservation. At the same time, Maulvi Abul Kasem expressed the pious hope that the Muslim community and the public interested should have a voice in the selection. This is what Maulvi Abul Kasem said:—

“The Mussalman community and the public interested should have a voice in the selection of the Mussalman members of the Court. I, therefore, suggest that provision should be made in the Statutes to the effect that one-third of the members elected by the different electorates should be Mussalmans”.

He too was of opinion that this provision should be made in the Statutes. So, all along the line there has been this feeling that the Mussalmans should have their special representation. I do not see any reason why the Government should fail to do justice to the Mussalmans. Provisions ought to be there to safeguard the interests of all the communities, without making any difference between one section of the population and the other. Just because there are some sections of the population which have secured a monopolistic position, are the Government afraid to disturb that anomaly? If that is the view of the Government, I believe that is not a thing which is worthy of the Government of India. Once more I make the request to the Government that they should try to see things in their proper perspective and do justice to the Mussalmans.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Mr. Chairman, during the course of the speeches that have been delivered on this amendment, a great deal has been said about the interests of the minority communities. I do not know, Sir, what is meant by the interests of the minority communities in this connection. As my Honourable friend Mr. Tyson pointed out today and as the Honourable the Educational Adviser to the Government of India pointed out the other day, the participation of the minority communities in University affairs can depend only on the extent to which Muslim graduates are prepared to take part in

[Pandit Hirday Nath Kunzru.]

the administration of the University and the extent to which Muslims regard the University as their own by sending their sons to it. In both these respects, however, as my Honourable friend Mr. Sargent showed the other day, the Muslim community had lagged behind other communities. The reason may be, as he said, that Aligarh being so near to Delhi, the Muslims choose to send their sons to the Muslim University. But, if it is so, how can they complain that there are not enough Muslim electors among the registered graduates or that Muslims are not adequately represented on the Court? I do not know, Sir, as I have already said, what is meant by Muslim interests. Do Muslims want that their representation in the University should be arranged on the basis of the percentage of Muslims in the population of Delhi—

THE HONOURABLE MR. HOSSAIN IMAM: Yes.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU:—or their percentage in the total population of India excluding the Indian States? Or do they want that they should be given representation on the Court and the other bodies on the same principle on which they have been given representation in the Public Services?

My Honourable friend said "Yes" in answer to one of the questions that I put. I think the answer that he gave meant that he wanted the Muslims to be represented in proportion to their percentage in the population of Delhi. It is very easy for my Honourable friend to shake his head approvingly when such a thing is mentioned but not quite so easy to defend it on grounds of equity. If Muslim graduates will not get themselves registered as graduates of the Delhi University, or if Muslims will not send their sons for education to the Delhi University, is it equitable that they should demand that share in the administration of the Delhi University which they consider themselves entitled to by virtue of their proportion to the other communities in the city of Delhi? I see no justification for this demand. I am not in the least opposed to the representation of Muslims on the Court or on the other bodies. But if they desire their proper representation, the remedy is in their own hands. What they want is that they should continue to patronise other universities and neglect the Delhi University and still have a large representation on it.

THE HONOURABLE MR. HOSSAIN IMAM: Is not the Honourable Member a member of the Executive Council of the Benares as well as the Allahabad University?

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: I am. I am there as a registered graduate or a donor. I do not demand representation on the Allahabad or the Benares University Executive Council simply because I am a Hindu or an inhabitant of the United Provinces. If my Honourable friend will bear that simple consideration in mind, he will be able to take a much more correct view of the position than extraneous considerations have so far allowed him to take. My Honourable friend said that he wanted the Muslims to be represented on the Court in proportion to their population of Delhi. The University of Delhi is not meant for people living in the city of Delhi only. People living in the Province of Delhi can also attend it. On what grounds, then, does he take into account only the Muslim population of Delhi and not the Muslim population of the whole province? Again, it was said that the University was Imperial. It might therefore be said that the Muslim percentage in the total population of India should be taken into account. But all these considerations, as I have said, are fallacious. The University is not meant for Hindus or Mussalmans as such. It is meant for students of all communities and therefore no bar is placed in the way of admission of Muslim students to the University.

THE HONOURABLE MR. HOSSAIN IMAM: You are forcing us into Pakistan.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Nothing of the Kind You are if I may say so without disrespect, saying something which is wholly irrelevant and you know that it is so.

THE HONOURABLE MR. HOSSAIN IMAM: You are bringing forward this argument—

THE HONOURABLE THE CHAIRMAN: Order, order. Please address the Chair.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: It is no use saying "You are forcing us into Pakistan" and bringing in an irrelevant issue.

"This has got nothing to do with Pakistan. Can Hindus claim representation on any University simply because of their population. If the Mussalmans or the Hindus in a University do not choose to get themselves registered, they cannot get representation."

THE HONOURABLE MR. HOSSAIN IMAM : Is that the only way of getting into the Court ?

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : The only other way is nomination.

THE HONOURABLE MR. HOSSAIN IMAM : No, Sir. Out of 137, there are only 25 from Registered graduates.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : There are University teachers and so on.

THE HONOURABLE MR. HOSSAIN IMAM : There you are. The whole object is there.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : If the object is to get a certain proportion of the teachers, deal with it directly. But why introduce it in this indirect manner ?

THE HONOURABLE MR. HOSSAIN IMAM : Mr. Chairman, we are not discussing the composition of the Court. We were discussing at the moment the Selection Committee.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : The Selection Committee is concerned only with one person, the Vice-Chancellor, not with the teachers. The question that my Honourable friend raises is irrelevant even to the amendment which he has put forward. I shall be very glad indeed if Muslim graduates register themselves in larger numbers in the Delhi University. If Muslim students join it in greater numbers it will be a matter of satisfaction to everybody. Nobody wants that any University should deny admission to members of any community or make it difficult for them to gain admission into it. But the Muslims do not take interest in the Delhi University ; they prefer other universities, it may be on grounds which they consider very good. Why should they then unnecessarily blame others. For the small part they have so far played in the Delhi University.

Now, Sir, I should like to say a word about what fell from my Honourable friend Mr. Tyson. He seemed to me to speak with two voices. In the earlier part of his speech he seemed to be against communal representation and referring to one of the amendments that have not been moved asked whether it could be justified in view of the figures relating to the participation of Muslims in the Delhi University quoted by the Educational Adviser to the Government of India the other day. Yet in the second part of his speech he seemed to be almost apologetic and said that he was expressing no opinion on the principle of communal representation. It seems to me in view of what Mr. Tyson said that the trouble with regard to communal representation is really due to the attitude of Government. They opposed communal representation in the other House. Now it is sought to be made out that it was opposed simply because the University had not been consulted on the subject. It was also said by Mr. Tyson that increased provision had been made for the representation of minorities through nomination. If I were inclined to pursue this matter further I would ask him on what principle the power of nomination was to be exercised by Government. How is the interest of any community in the Delhi University to be judged except on the basis of the figures quoted by the Educational Adviser to the Government of India ? If he accepts that basis, how does he justify the increased nomination ? The method of nomination is not acceptable either to Hindus or to Muslims. But apart from that, I should like to understand how the Education Secretary can be acquitted of the charge of having been inconsistent in the speech that he made. It is time that the Government clarified their position. A position like the one taken up by my Honourable friend Mr. Tyson is not fair either to Government or to the other communities or cultures concerned. For my part, I think that there is only one principle on which Government can proceed. It should be pointed out to the Muslims that the gates of the Delhi University are open to them and that Muslim graduates if they get themselves registered in larger numbers will be able to influence the affairs of the University to a much greater extent than they are able to do now.

[Pandit Hirday Nath Kunzru.]

Sir, I will say nothing with regard to the question of the appointment of teachers, because the amendment does not relate to that subject. If, however, any other amendment is brought upon that point, I shall be quite prepared to express my opinion on that. I will only say that if the Delhi University appoints competent Muslims as professors or readers or lecturers, I shall not have one word to say against their choice. But it is obviously difficult to choose professors and readers merely on the ground that the applicants belonged to certain communities. The constitution of selection committees so far as colleges are concerned is laid down in the Statutes. I do not think it can be said that the scales are weighted against the Mussalmans so far as its composition goes and there need therefore be no fear that the claims of deserving Mussalmans will be ignored. I am entirely in favour of having a fair selection Committee and choosing competent Muslims both on arts and science sides to instruct the students of the Delhi University so that both Hindu and Muslim teachers may be able to shed their liberalising influence on the students and enable them to develop themselves as citizens of a freer and greater India than we unfortunately know at the present time.

THE HONOURABLE MR. HOSSAIN IMAM: Mr. Chairman, I shall not reply to the communal aspect and the explanation given by the Honourable Mr. Tyson now. I shall reserve it to be dealt with on a later amendment. I regret that at this moment in spite of my endeavours to keep out the communal wrangle this hydra has found its way into this Chamber. If Dr. Kunzru will excuse me, when we are discussing an amendment we have to confine ourselves to it. The Honourable Mr. Tyson discussed the general question of Muslim representation without bringing in particular items which make it up and Dr. Kunzru unnecessarily hammered and went on hammering the question of graduates for which we have got a specific amendment not only in my name but that of Dr. Kunzru himself. The matter could very well be discussed then, their numbers and proportion. etc. When I said that you are forcing us to Pakistan, what I meant was that every time we bring up any grievance we are told that you have not had a share in the past and so you are not entitled to a share in the future; that those who have got into the stride and are in the swim must have a monopoly and no consideration will be shown on the excuse of nationalism. Sir, I shall deal more fully when I come to deal with communal amendment. At this moment, Sir, I simply wish to say a few words on this particular amendment.

The Honourable Mr. Tyson laid stress that the choice of the Chancellor would be restricted if the University fails to send in a Muslim as its representative. May I say, Sir, that his choice may be restricted but the field will not be restricted. If he wants an educationist my community can give him an educationist of eminence not only of an India-wide reputation but almost of international reputation, men of full college experience of every type. He can get any number of them from my community. It is wrong to say, Sir, that his choice will be restricted, except in one respect, in the white skin! That is the only field in which he will not find a Muslim, he cannot get a European. If he wants to have purposely a European member in the committee for selection, of course, it will be denied to him, but for every other conceivable reason, whether it would be experience of any kind, educational, administrative or anything, he has got ample choice to select from among the Muslims and his choice will not be restricted. I, therefore, think, Sir, that it is better to say that the Government is not willing to accept an amendment rather than to bring out laem excuses for not accepting the amendment.

THE HONOURABLE THE CHAIRMAN: Amendment moved:—

"That in clause 5 of the Bill in part (c) of the proposed proviso after the word 'whom' the words 'one being a Muslim', be inserted."

Question put: the Council divided:

AYES—3.

Asger Ali Khan, Hon. Maulvi.
Hossain Imam, Hon.

Fadehah Sahib Bhattadur, Hon. Saiyed Mohamed.

NOES—25.

Ashraf Said, Hon. Mr.
 Bozman, Hon. Mr. G. S.
 Charanjit Singh, Hon. Raja.
 Conran-Smith, Hon. Mr. E.
 Ghosal, Hon. Sir Joana.
 Hydari, Hon. Mr. M. S. A.
 Jogendra Singh, Hon. Sir.
 Jones, Hon. Mr. C. E.
 Kalikar, Hon. Mr. V. V.
 Khurshid Ali Khan, Hon. Nawabzada.
 Kunzru, Hon. Pandit Hirday Nath.
 Lal, Hon. Mr. Shavax A.
 Mahomed Usman, Hon. Sir.

Menon, Hon. Sir Ramunni.
 Mitra, Hon. Mr. D. N.
 Mukherjee, Hon. Sir Satya Charan.
 Pillai, Hon. Mr. N. R.
 Ram Saran Das, Hon. Rai Bahadur Lala.
 Ray, Hon. Mr. S. N.
 Ray Chaudhury, Hon. Mr. Kumarsankar.
 Roy, Hon. Sir Satyendra Nath.
 Sapru, Hon. Mr. P. N.
 Sargent, Hon. Mr. J.
 Sinha, Hon. Kumar Nripendra Narayan.
 Tyson, Hon. Mr. J. D.

The Motion was negatived.

THE HONOURABLE THE CHAIRMAN : The question is :—

“That clause 5 stand part of the Bill”.

The Motion was adopted.

Clause 5 was added to the Bill.

THE HONOURABLE THE CHAIRMAN : Clause 6.

THE HONOURABLE MR. HOSSAIN IMAM : Sir, I move :—

“That clause 6 of the Bill be omitted.”

THE HONOURABLE MR. SHAVAX A. LAL (Nominated Official) : Sir, before my Honourable friend proceeds to move his amendment. I submit that the amendment is out of order. I shall read out the relevant portion of the ruling given by Sir Henry Moncrieff-Smith on the 22nd March, 1926 :—

“I find an amendment on the paper standing in the name of the Honourable Lala Ram Saran Das again. His amendment is ‘That clause 7 of the Bill be omitted’. I think a little reflection will show him that that amendment is not in order because our Standing Orders lay down that no such amendment shall have the direct effect of a negative vote. The Motion before the House is that clause 7 do stand part. The Honourable Member cannot therefore move that it do not stand part. It is, however, open to him to speak against the inclusion of the clause and to vote against it”.

In view of this ruling, I submit the amendment is out of order.

THE HONOURABLE MR. HOSSAIN IMAM : Sir, as the amendment is out of order, I shall not move it. I shall oppose the clause.

THE HONOURABLE THE CHAIRMAN : The question is :—

“That clause 6 stand part of the Bill.”

THE HONOURABLE MR. HOSSAIN IMAM : Sir, I rise to oppose this clause, because it brings in a Hitlerian power to the Vice-Chancellor. At the moment, the Act says that the Vice-Chancellor shall be responsible for the discipline of the University “in accordance with this Act, the Statutes and the Ordinances”. The Honourable Mr. Tyson wants that the Vice-Chancellor should be made, in the matter of discipline, independent of Ordinances and Statutes as well as of the Act. Whatever the Vice-Chancellor might deem to be necessary for the discipline of the University, he might do. I think, Sir, that it is really giving the same power to the Vice-Chancellor as is enjoyed by the Governor General in the matter of making Ordinances.

Similarly, the Vice-Chancellor is to be the supreme authority. He cannot be bound down by anything. What will be his criterion after the removal of this limitation, I do not know. I should like the Honourable Mr. Tyson or the Honourable Mr. Sargent to explain what is the significance of this omission, and why he is being made independent of the Act, the Statutes and the Ordinances. I have some doubts, and that is why I am opposing the clause.

THE HONOURABLE MR. J. D. TYSON : Sir, my Honourable friend has imputed to me, in perfect good faith, a motive which I can assure this Honourable House never actuated me for a moment. The last sentence of sub-section (5) of section 12 of the Act says that the Vice-Chancellor shall be responsible for the discipline of the University “in accordance with this Act, the Statutes and the Ordinances”. The same section, in sub-section (2), lays down that “it shall be the duty of the Vice-Chancellor to see that this Act, the Statutes and the Ordinances are faithfully observed, and he shall have all powers necessary for this purpose”.

Sir, whether these words are in the Act or not, it is quite impossible for the Vice-Chancellor to act lawfully in contravention of the Act, the Statutes or the Ordinances, and it is nowhere laid down that he can in any way be exempted or act as a dictator, and contrary to the Act, the Statutes and the Ordinances. We object to the provision in the Act that he shall be responsible for the discipline of the University “in accordance with the Act, the Statutes and the Ordinances”, because

[Mr. J. D. Tyson.]

as a matter of fact, neither the Act nor the Statutes nor the Ordinances give the Vice-Chancellor any help whatsoever in the matter of discipline. They nowhere lay down what he is to do and what he is not to do. If we delete these words, it will be open to the Vice-Chancellor to take appropriate action in matters of discipline,—to make the punishment fit the crime, as the phrase goes. Now, it has been argued, in a recent incident when some fairly serious misdemeanour took place and the Vice-Chancellor wished to send the offender down—to rusticate him, as the phrase goes—that as no power is specifically vested in the Vice-Chancellor under the Act, the Statutes or the Ordinances to visit this particular crime with any punishment, he was precluded from punishing this undergraduate. That is a position in which no Vice-Chancellor responsible for discipline could acquiesce.

If we delete these words, the Vice-Chancellor will in no way be excused from following the Act, the Statutes and the Ordinances. But in matters of discipline, as my Honourable friend will realise, it is impossible to make a catalogue of all the possible misdemeanours which can be devised by the undergraduate mind and to apply a procedure and a punishment to each. These things must be left to a certain extent to the discretion of the Vice-Chancellor. If these words are deleted as we suggest, it will still be open to the University to lay down in its Statutes or Ordinances that in certain classes of offences he shall not impose a punishment over and above a certain scale, or that he shall take a certain line, and he will be bound by such directions : but the fact is that the University has not hitherto prescribed any machinery or penal code to help the Vice-Chancellor in maintaining discipline, and therefore the words that we seek to delete are meaningless and really, in a way, mischievous.

I would only add that this was one of the points brought before the University when we consulted them about the Bill, and the University themselves not only approved of our proposals to delete these words, but went on to suggest a further amendment, in a Statute about the powers of principals of colleges, to make certain that there should be no overlapping between the powers of the Vice-Chancellor and their's. So, in this matter we have the University behind us.

THE HONOURABLE MR. HOSSAIN IMAM : May I just say one word ? Is there any provision of this nature in any other university whereby the Vice-Chancellor is not subject to the Act, the Statutes and the Ordinances ?

THE HONOURABLE MR. J. D. TYSON : I am afraid I failed to make myself plain. The deletion of these words will not make the Vice-Chancellor any less subject to the Act, the Statutes and the Ordinances. We are only cutting out words which would bind him to act only according to certain provisions which do not exist.

THE HONOURABLE MR. HOSSAIN IMAM : I understand these words exist in respect of other universities. For instance, in respect of the Lucknow University the provision is exactly the same as in the original Act here.

THE HONOURABLE THE CHAIRMAN : The Question is :—

“That clause 6 stand part of the Bill.”

The Motion was adopted.

Clause 6 was added to the Bill.

The Council then adjourned for Lunch till Three of the Clock.

The Council re-assembled after Lunch at Three of the Clock, the Honourable the Chairman (The Honourable Sir David Devadoss) in the Chair.

THE HONOURABLE THE CHAIRMAN : Clause 7.

*THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY (East Bengal : Non-Muhammadan) : Sir, before the discussion of clause 7 begins I want to submit that amendments Nos. 85, 86, 87 and 88 standing in my name at the end of the List of Amendments ought to be taken up because they deal with section 18 and the first part of section 22, whereas clause 7 deals with the latter part of section 22 of the original Act.

THE HONOURABLE THE CHAIRMAN : You cannot, in this amending Bill, try to amend the Act itself. You can only ask the Bill as it stands to be amended—either added to or subtracted from. But simply because an amending Bill has been

introduced into the Legislature, it does not lie in the mouth of any Honourable Member to try and amend the main Act unless the main Act itself is before the House, and therefore I do not think that any of your amendments can be sustained.

THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY : But section 22 itself is being amended by the present Bill, Sir.

THE HONOURABLE THE CHAIRMAN : True, but it is one clause of it only that is sought to be amended.

THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY : But if the second part is before the House, I submit I can bring in amendments to the first part. Section 22 is for the consideration of the House.

THE HONOURABLE THE CHAIRMAN : Not the whole of it.

THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY : Something is going to be added to it.

THE HONOURABLE MR. SHAVAX A. LAL : Clause (a) of section 22 is not touched by the Bill at all. I take objection to the moving of these amendments Sir, and that is in accordance with the ruling given by our present President in 1938. The President ruled out an amendment moved by my Honourable friend himself in 1938. As that particular clause, which he sought to amend, was not before the House, the President ruled that no amendment could be moved. That is my submission, Sir.

THE HONOURABLE THE CHAIRMAN : The point is this. Simply because a section of an Act contains a number of clauses and one clause is sought to be amended, the Honourable Member cannot amend the whole section. Therefore, in view of the precedent already established, I disallow amendments Nos. 85, 86, 87 and 88. These amendments cannot be moved in view of the observations already made.

The Question is :—

“ That clause 7 stand part of the Bill. ”

THE HONOURABLE MR. HOSSAIN IMAM : Sir, I oppose this clause. The reason for our opposition is very simple. I will not take up much time of the House. The Honourable Mr. Tyson, when speaking about communal representation, was very incessant that any change to be made in the University must be subject to the consideration of the University. Here is an instance in which the Honourable Mr. Tyson has gone against the opinion of the three bodies in the University—the Court, the Executive Council as well as the Academic Council. All the three reported against this proposal. I have referred to this matter in my general discussion and so I will not repeat my arguments. But I will remind the House that at the moment this power is not enjoyed by the Executive Council. I should like to be convinced by very strong reasons why, in spite of strong opposition, this is being done. Am I to take as an earnest of future action from the Government that when the University opposes a thing, they will come out as strongly as they are doing now for giving the Executive Council a power which it does not want on the terms on which it is given ? If this is an earnest of that, I would welcome it in spite of the fact that I am opposing clause 7 at the moment.

THE HONOURABLE MR. P. N. SAPRU : May I explain our attitude, Sir ? I am very strongly, as I have said, for a unitary type of university. We recognise, however, that this represents a compromise. We do not say, “ Go ahead with a federal university ”. By all means try the experiment, but, on reflection, after hearing what the Honourable Mr. Sargent had to say about the state of colleges in the Delhi University, I have come to the conclusion that it is absolutely essential that the Executive Council should have the power of recognising or withdrawing recognition from colleges. I suggested that the power, so far as the Executive Council is concerned, should reside in a two-thirds of the Executive Council. But this is a different proposition altogether. Now, whatever the University might say, whatever the Executive Council might say and whatever the Academic Council might say, the question has got to be looked at from the point of view of the interests and efficiency of higher education and I am afraid, Sir, that the Court is much too unwieldy a body

[Mr. P. N. Saprū.]

to deal with the very intricate and delicate questions which arise when matters relating to affiliation or withdrawal of recognition of colleges are discussed.

Sir, I do not want to take up more time. I oppose the Honourable Mr. Hossain Imam's suggestion.

THE HONOURABLE MR. J. D. TYSON : Sir, this is definitely a departure from the existing situation in the Delhi University under which a college is recognised by the passing of a Statute and recognition also requires the passing of a Statute modifying the original Statutes. The Court is a body of between 130 and 140 persons, made up in a variety of ways, drawn from a variety of walks of life and from a variety of localities. Quite a proportion of the members are not resident in Delhi. It meets ordinarily once a year, though it can, of course, be called oftener. We have definitely felt, Sir, that it is for the Court, in its capacity as a legislative body, to lay down conditions under which recognition should be accorded to colleges and non-compliance with which conditions might entail the taking away of recognition. But we have felt that it was necessary, if the threat of taking away recognition was to have any substance in it at all, that there should be an effective machinery for taking that recognition away. We hope very much that it will not be necessary that any college should have its recognition taken away from it. It is a very serious thing not only for the college itself but for the staff and students of the college. But it is in the last resort a weapon that must be in the armoury and we feel that it should be in the armoury in an effective form. Therefore, Sir, we have in this and another amendment to the original Act sought to distribute the responsibility of according and taking away recognition between this legislative body and the executive body, the Executive Council, in a way more in keeping with their respective composition and functions. We have provided—it does not arise under this amendment—we have provided safeguards to prevent the power being abused. It is no reflection on the Court that we should take this power away. The power was only, as far as I can see, conferred on the Court by a Statute about 1936 and we think that was on a misreading of the original intention. As I say, it is no reflection on the Court to say that on account of its composition, numbers and the fact that many of its members are non-resident we do not think it is the most suitable body in the University to exercise this important function. We feel that it is necessary especially for the taking away of recognition that a body of persons in touch with the day-to-day administration of the University should handle the matter. The Court will lay down all the conditions. It will be for the Executive Council as judge to apply those conditions and to say whether they are satisfied. I do not wish to press analogies too far because universities differ so very much in the composition of their various bodies, but there are analogies—I will put them no higher than that—in the Universities of Agra and Nagpur. And as regards the University of Delhi it is not quite true to say that we have flouted the opinion of the University of Delhi in this matter. The Court from whom it is sought to take this power naturally objected. When reference was made to them the Court said, in effect, "We think that this power should reside with us but, should this not be accepted by the Select Committee on the Bill, we would favour the adoption of the views of the Executive and Academic Councils". The Executive and Academic Councils said :—

"They agree that section 28 (g) refers to the conditions or general principles governing recognition of colleges and the withdrawal of such recognition and not to the executive action of recognition and withdrawal of recognition. The statute should provide the general principles". (By that they meant that the Court should provide the general principles.) But the executive action of recognition or the withdrawal of recognition must be by the Executive Council in accordance with the Statutes".

Then, Sir, they went on to say that they would like to see provision made for a two-thirds majority. That does not arise at this stage. Though the Court were against us, as we thought they would be, the Executive Council and the Academic Council supported our proposal. That is all I have to say. We do attach importance to this, and, as I say, we have provided safeguards and we think that this is better than the Statute of 1936.

THE HONOURABLE MR. HOSSAIN IMAM : You did not read out the opinion of the Executive Council fully. On what conditions were they prepared to have it ?

THE HONOURABLE MR. J. D. TYSON : It is not exactly relevant here. I did not seek to hide it. I said that they made further recommendations about the machinery required ; they wanted a two-thirds majority. They said :—

“ They feel, however, that an important executive action like this must be by a substantial majority of the Executive Council ; a majority of not less than two-thirds of the members present should, in their opinion, be required. They suggest, therefore, the following :—

“ The Executive Council shall have power, by a resolution passed by a majority of not less than two-thirds of the members present, to recognise a college or to withdraw such recognition in accordance with the Statutes and the Ordinances.”

As the Honourable Member has made me refer to it, I may further say that the quorum for the Executive Council is six. Two-thirds of the members present might be four and we have provided that there should be a majority of the whole Executive Council, present or not present. We think that ours is a better safeguard than the two-thirds that they have suggested.

THE HONOURABLE MR. HOSSAIN IMAM : Sir, I move :—

“ That in clause 7 of the Bill, to the proposed clause (ff) the words ‘ and subject to confirmation by the Court ’ be added at the end ”.

This is the opinion of the Court which I have supported. I have nothing more to say.

THE HONOURABLE MR. J. D. TYSON : I have nothing to add.

Question put and amendment negatived.

THE HONOURABLE THE CHAIRMAN : The Question is :—

“ That clause 7 stand part of the Bill.”

The Motion was adopted.

Clause 7 was added to the Bill.

THE HONOURABLE THE CHAIRMAN : Clause 8.

THE HONOURABLE MR. HOSSAIN IMAM : I rise to move :—

“ That in clause 8 of the Bill in the proposed clause (g) the words ‘ Executive Council ’ be omitted.”

This refers to section 28 of the original Act. The amendment which I move is a corollary to the amendment which I moved before. The power should not vest in the Executive Council.

THE HONOURABLE MR. J. D. TYSON : It is the same point exactly. My Honourable friend seeks to omit the words “ Executive Council ”. But recognition, by the decision just arrived, is to be by the Executive Council. I oppose the amendment.

Question put and amendment negatived.

Clause 8 was added to the Bill.

Clause 9 was added to the Bill.

THE HONOURABLE THE CHAIRMAN : Clause 10.

THE HONOURABLE MR. HOSSAIN IMAM : Sir, I rise to oppose it. The reason for my opposition, Sir, is that the amendment says :—

“ The Colleges shall be such as may, after the commencement of the Delhi University (Amendment) Act, 1943, be recognised by the Executive Council in accordance with this Act and the Statutes, but shall include all colleges recognised at the commencement of the said Act as colleges of the University so long as such recognition continues.”

If this amendment is made in the Act, Sir, the position will be that the colleges which are now recognised will lose their independence and the present position is, Sir, that the colleges that have been recognised by the Act are there. Their recognition cannot be taken away without some detailed action being taken, but what the Honourable Member probably wishes is to short-circuit it and therefore on the same principle, Sir, because it interferes with the independence of the colleges, I oppose this Motion.

THE HONOURABLE MR. J. D. TYSON : Sir, at present section 34 says :—

“ The Colleges shall be such as may be named in the Statutes ”,

and there is a Statute which names all the colleges.

Now, Sir, we are proposing that in future the according and taking away of recognition should not be done by Statute but should be done, in accordance with the Statutes, by the Executive Council, and so we have proposed to make section 34 of the Act read :—

“ The Colleges shall be such as may, after the commencement of the Delhi University (Amendment) Act, 1943, be recognised by the Executive Council in accordance with this Act and the Statutes, but ”—and this is the safeguard—“ shall include all colleges recognised at the commencement of the said Act as colleges of the University so long as such recognition continues ”.

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So, Sir, this is really consequential on the new procedure that we have introduced and the latter part is designed to carry on existing recognition, and is a safeguard, therefore, for the colleges at present recognised.

So far as "short-circuiting" goes, the procedure for the withdrawal of recognition will be found at page 14 of the Bill, clause (33) of Statute 33, where the machinery is laid down. The Executive Council after due enquiry and consultation with the Academic Council may by a majority of all the then members of the Executive Council withdraw recognition subject to an appeal. But, Sir, I do not honestly think that the colleges have anything to fear with regard to their independence from section 34 as it stands and as we seek to amend it.

THE HONOURABLE MR. P. N. SAPRU : I think under the clause as it stands it will be possible for new colleges also to be established and recognised, so that it is of advantage to the Honourable Mr. Hossain Imam to have a new clause.

THE HONOURABLE MR. HOSSAIN IMAM : Without this amendment too recognition can be had.

THE HONOURABLE MR. J. D. TYSON : Yes, there is provision, Sir, for this recognition.

THE HONOURABLE THE CHAIRMAN : The Question is :—

"That clause 10 be added to the Bill."

The Motion was adopted.

Clause 10 was added to the Bill.

THE HONOURABLE THE CHAIRMAN : Clause 11.

THE HONOURABLE MR. HOSSAIN IMAM : This clause, Sir, is the real *piece-de-resistance* of this Bill, because it is by this clause that the three-year course is being introduced but it has been so camouflaged that it was difficult for a man like me, who has not much knowledge of university affairs, to find out where the real thing was laid.

Sir, I am not going to oppose it. I rather want information on the subject. The three-year course, Sir, has been characterised by the Government as an experiment and by the Opposition as a well-established principle. I for one, Sir, am a waverer between the two. I am neither opposed to it nor in support of it. I want to see how it fares but I have certain difficulties, Sir, which I wish to be clarified. One of the difficulties, Sir, which I find in the three-year course is that we have not got anything about the Board of Higher Secondary Education. Probably this Board of Higher Secondary Education has not yet been created or is about to be created. It has not been stated, Sir, what would be the constitution of this Board of Higher Secondary Education, what will be its curricula and also how it will affect the schools that at the moment exist in Delhi. We know, Sir, the difficulties of the private schools. As it is, they are in great difficulty already ; but if you tag on a further one year to their course there will be an additional difficulty that they will have to teach subjects which they are at present not teaching. I refer, Sir, to the Science subjects. In most of the schools there is no Science teaching in the sense in which you want the first-year Science course to be incorporated. What is the intention of the Government in this matter ? It is not such an easy matter that you can allow it to pass muster. The schools will be in great difficulties both for housing and for expenditure which are the greatest possible impediment that can be placed in the way of the higher secondary education. The position at the moment is that either people will have to give up Science in the college because they will not have passed in the Science subjects from the Higher Education Board or if they have to go for the Science courses they will have to get admission in certain wealthy schools with the result that, I coming from a poor nation, will be the greater sufferer than my sister nation.

Then, Sir, we have not here anything to show whether in the three-year course there will be any provision for any examination like the intermediate to take place or whether there will be any sort of Certificate or Examination, or diploma. What will you do in the first of the three-years ? Will an Intermediate degree continue to be given by the University after the first year or as was suggested by my Honourable friend Mr. Sapru you will follow the Oxford Moderation method. We must have full

information on this subject, Sir, and we must have an assurance that schools will be given full help to teach science courses. By full help I do not mean meeting part of the cost ; I mean that those who cannot afford it must have practically the full payment of the extra cost incurred on science teaching, because it is very essential that if Government is going to embark on this experiment they must not queer the pitch of higher secondary education. Otherwise the result will be that higher secondary education will be much curtailed. Admissions to the colleges have already been reduced ; as was stated by my party in the other House, the admissions this year have been on a very reduced scale as compared with previous years. For these reasons, I want to have an elucidation of this point.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Mr. Chairman, I should like to have information from Government on an entirely different point. The question raised by my Honourable friend Mr. Hossain Imam is an important one. The Educational Adviser to the Government of India dealt with it the other day in the course of his speech. But the matter is so important that further elucidation is desirable, and the specific questions that Mr. Hossain Imam has put require a clear answer from Government.

But the question that I myself have to ask relates to the Board of Higher Secondary Education. Government propose to make this Board responsible for the reorganisation of secondary education. Though the extent of its jurisdiction will be less than before, it will, in respect of reorganisation, enjoy much greater importance than it does at the present time. It may not be able to control the entire intermediate education as it does at present, but the task of reorganising education is not a small one. I should like to know whether the present Board of Higher Secondary Education has been established by Statute. If it is not a statutory body, will Government take steps now to give it a statutory basis ? In other words, will they bring forward legislation defining the constitution and the functions of this Board ? The matter is, in my opinion, of great importance. I believe that in every other province except Delhi the Boards of Secondary Education are statutory bodies. At any rate, the United Provinces Board of Intermediate and High School Education owes its existence to an Act of the United Provinces Legislature. That example should be followed in respect of Delhi.

There is another reason, too, why I am anxious that the Board of Higher Secondary Education should have a legislative basis. When a Bill dealing with the future constitution of the Board comes before us, it would be possible to discuss properly many questions relating to secondary education which could be discussed only incidentally in connection with the present Bill. We are trying to change the system of education that prevails at present in Delhi Province. Government hope that Delhi will give a lead to other provinces. It is necessary, therefore, that we should have an opportunity of discussing basic questions relating to the authority that should in future control secondary education, and the manner in which it will exercise its power. It is only in that case that it will be possible for us to satisfy ourselves that the reorganisation of education will be a real thing.

THE HONOURABLE MR. JOHN SARGENT (Nominated Official) : Sir, I will do my best, although I doubt my powers of exposition, to clarify this situation as far as I can. As I think Honourable Members realise, if what I might call the well-tried experiment of the three-years' course is to be introduced, it is necessary to regularise in this way the admission examination to the three year's course. Under Statute 36 of the Act as it stands, admission to a Degree course in the University depends on passing the intermediate examination of some university, or passing an examination recognised as equivalent thereto. Although, as I said the other day, we hope that before very long we shall have raised the high school leaving standard up to the standard of intermediate, we cannot, in fairness either to ourselves or to other universities whom we may approach, claim that at the moment the high school examination which will take place at the end of class eleven is equivalent to intermediate. Therefore, it is necessary to make provision for the recognition of that examination for

[Mr. John Sargent.]

admission to the degree course of the University. It is also necessary, Sir, to make provision, as we have done in the proviso, for the recognition of the examination which the University themselves are holding at the end of the present preparatory course. That preparatory course will fade away as sufficient high schools in the city of Delhi become recognised and as their products supply the University, as we hope they will, with an adequate number of well qualified candidates for admission.

That, Sir, is the reason for this amendment of the Act, in order to regularise the position and bring in the examination of the Delhi Board of Higher Secondary Education as a recognised form of admission to the University. The intermediate examination will still remain a means of admission to the degree course. But, as I said the other day, probably the University will suggest, in order to obtain the co-operation of other universities, that a person having passed the intermediate examination of another university will be admitted to the second year of the degree course rather than the first. I hope this has clarified the technical reason for the introduction of this particular clause.

The wider issue has been referred to of the reorganisation of the high schools in Delhi in order to facilitate this. I do not know whether my Honourable friend Mr. Hossain Imam is familiar with what has been going on in Delhi in the last 12 or 15 months. We have fortunately been able to put at the disposal of high schools in Delhi a very considerable sum of money to help them in reorganisation both in regard to providing accommodation for science and also for employing more highly qualified teachers, which we have laid down as a condition of recognition for the eleventh class. We have offered to every school in the Delhi area—in Delhi and New Delhi—an opportunity of qualifying as a higher secondary school, if it so desires; and those schools that have applied—and I am delighted to say that a very large proportion of the 38 secondary schools have applied—are being inspected by a recognition committee, which is awarding them advance grants out of the sum which Government have placed at its disposal. This amounts roughly to Rs. 1½ lakhs for non-recurring and Rs. 1½ lakhs for recurring expenditure. So far as is known, the recognition committee have been able to make grants which have satisfied the governing bodies of the schools concerned that they will be enabled to provide additional accommodation and the additional standard of teaching which will be necessary to make the eleventh class a success and prepare their students for admission to the University. I have not so far heard any complaint either that the assistance given has been niggardly or that there has been any discrimination other than that of educational standard in accepting schools as higher secondary schools. Some of them have been accepted straightaway, others have been accepted conditionally on their complying with the requirements which have been laid down.

An interesting point has been raised by my Honourable friend Mr. Kunzru with regard to the Board of Higher Secondary Education under whose auspices the higher secondary examination will be conducted. This Board is really not a new Board. Since 1926 there has been a Board of Secondary Education in Delhi. That Board was set up not by a Statute but by an executive act of the Chief Commissioner, approved by the Government of India. That, however, does not appear to have affected its standing as its examination has been approved as a school leaving certificate examination for admission purposes by all the Universities in India. I have been into this matter though in the time that has been at my disposal I have not been able to carry out exhaustive inquiries. But there seems to be a mixture of practice in regard to these examination boards for high schools and intermediate colleges. Some of them, as in the case of the United Provinces, are definitely set up by an Act of the Legislature, while others are not. I understand that the Madras Secondary School Board was set up by an Act of Government and not by an Act of the Legislature. I believe the same thing is true in Dacca. The same is true of the Intermediate Board in Rajputana, Central India and Gwalior but to a certain extent that is a Central Government responsibility. It does not, therefore, appear to be essential that a Board of this kind should be set up by Statute. What is essential, of course, is that universities in India should recognise its examination for the purpose of their admissions and as we have hitherto succeeded in obtaining that this recognition with regard to the old Board of Secondary Education in Delhi, we hope that the present reconstituted Board

of Higher Education, which takes its place, will be similarly successful in obtaining recognition. As I have said, I am always delighted to find Legislatures taking an interest in Education and if, after all this prolonged discussion, the House would welcome further educational measures designed to give statutory recognition to this Board, no doubt the matter will be taken into consideration. But I think that so far as the Delhi University is concerned, and so far as other universities are concerned, the examination of this Board now finds a place in the Delhi University Act and from that point of view, its *bona fides* and status *vis-a-vis* other universities will be guaranteed. As I say, the old Delhi Board was exactly on the same basis as the new one in the matter of securing recognition from other universities for its examination and I fail to see any risk in our approach on this particular point. Since its examination was and has been accepted by other universities in this country for admission to their own universities, I am optimistic that the higher examination of the new Higher School Secondary Board will, with the assistance of the University and, if necessary, with the assistance of Government, be equally successful in securing recognition. I do not know whether I have been able to clarify the points which were raised but I have done my best to do so.

THE HONOURABLE MR. HOSSAIN IMAM : May I ask a question, Sir, whether the intermediate examination will be held by the University in future or not ?

THE HONOURABLE MR. JOHN SARGENT : I am sorry I omitted to answer that point and with your permission, Sir, I should like to do so now. Universities generally, I think, like most of us are anxious to reduce the number of examinations rather than otherwise. But, as I have said, the whole question of examinations, their technique and all other matters concerning them, is at the moment under consideration by an expert committee of the Central Advisory Board of Education and from discussions to which I have listened and in which I have taken part in the Academic and other Councils of the Delhi University, I understand that they are awaiting the advice of that Committee before taking any firm decision in this matter.

THE HONOURABLE MR. P. N. SAPRU : Sir, one very important question which was raised by the Honourable Mr. Kunzru and the Honourable Mr. Hossain Imam was whether the constitution of this Board was to be regulated by an Act of the Legislature or by an executive fiat. On that question, the Honourable Mr. Sargent has not thrown any light—

THE HONOURABLE MR. JOHN SARGENT : Excuse me, Sir, on a point of explanation, may I say quite definitely that I stated that the original Board of Secondary Education in Delhi was set up by an Act of the Chief Commissioner with the approved of the Government and not by Statute and that it has now been reconstituted as the Higher Secondary Board of Education on exactly the same basis.

THE HONOURABLE MR. P. N. SAPRU : Sir, it was constituted by an Act of the Chief Commissioner in 1926. Its constitution, therefore, is governed by an executive fiat and not by an Act of the Indian Legislature. What I wanted to know was whether it was the intention of Government to have the whole question of Secondary Education brought before the Legislature. Government can do it by setting up a Board of Secondary Education by an Act of the Central Legislature. In the United Provinces, the Board of Intermediate Education and High School was set up by an Act of the Provincial Legislature.

Sir, I was just going through the Sadler Commission Report on this point and I find that one of the recommendations that they made about the Board of Secondary and Intermediate Education was that it should have a majority of non-official members. I should like to know whether this Board of Secondary Education which has been constituted by the Chief Commissioner has a body of non-official members ? If it has a majority of non-official members, then how are these non-official members elected ? In the United Provinces the University is directly represented through election on the Board of Intermediate and High School Education. Further, the Legislature of the province is also represented on the Board of Intermediate and High School Education by elected representatives.

Sir, the question of secondary education touches the people very intimately. I know and I am glad to hear that a definite responsibility has been undertaken by the Central Government to help educational institutions here to reorganise themselves.

[Mr. P. N. Sapru.]

But it is an experiment which can only succeed with public co-operation and in order that you might be able to secure public co-operation, it would seem essential that you should have public support and you can have public support if you take public opinion into consultation. The Central Legislature is the proper body for passing an Act regarding organising Secondary education in Delhi. Delhi has got no Legislature of its own and therefore the Central Legislature is the proper authority before which a Bill should come for reconstituting secondary education. When that Bill comes up, it will be possible for us to review the question in regard to secondary education in all its aspects. The Board of Secondary Education should not be a mere Department, as the Sadler Commission said, of the Department of Public Instruction. What we should like to know is whether the non-official element is sufficiently strong on that Board or not at the present moment?

THE HONOURABLE MR. J. D. TYSON: I do not claim any personal knowledge of the Board, but I can certainly provide the information so far as the present regulations go. This is the reconstituted Board. There is a group of five, first of all, who are officials,—the Superintendent of Education, Delhi, Chairman, the Assistant Superintendent of Female Education, a nominee of the Superintendent of Education, Delhi, the Chief Medical Officer, Delhi or his nominee, and the Principal, Delhi Polytechnic—he happens to be an official for the time being. Then there comes a group of 10 who are elected namely, seven representatives of the University of Delhi, two representatives of the Delhi Municipal Committee, elected by that body, and one representative of the New Delhi Municipal Committee, to be elected by that body. Then comes a group of members who I suppose are really, most of them, non-officials. This group consists of seven persons. Two principals of boys' higher secondary schools to be elected by the principals of higher secondary schools; the headmaster of a boys' secondary school preparing candidates for the S. S. L. C. examination, to be elected by the heads of such schools; the principal of a girls' higher secondary school, to be elected by the principals of higher secondary schools for girls; a headmistress of a girls' secondary school preparing candidates for the S. S. L. C. examination to be elected by heads of such girls' schools. Then there is another group of six persons, including two women, of whom one shall represent the interests of the rural areas of the province, to be nominated by the Chief Commissioner to secure adequate representation of all interests. And finally there are two representatives elected by the managers of recognised schools from among themselves. It seems to cast the net pretty widely, if I may say so.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: But what is the objection to putting it on a statutory basis and giving it greater dignity and also bringing us more into touch with secondary education here?

THE HONOURABLE THE CHAIRMAN: That question does not arise.

The Question is:—

"That clause 11 stand part of the Bill."

The Motion was adopted.

Clause 11 was added to the Bill.

Clauses 12, 13, 14 and 15 were added to the Bill.

Sub-clause (1) of clause 16 of the Statute was added to the Bill.

THE HONOURABLE THE CHAIRMAN: Amendment No. 10.

THE HONOURABLE MR. V. V. KALIKAR (Central Provinces: General): Sir,

I move:—

"That in clause 16 of the Bill, sub-clause (vii) of clause (1) of Statute 2 in the proposed Schedule be omitted."

I want this item, the Chairman of the Muslim Chamber of Commerce, Delhi, to be omitted. My object is to see that in educational institutions no communalism is introduced. This refers to the constitution of the Court. I believe the Court is not a political body or a religious body; it is purely an educational body. If the information that has been given to me is correct, on this point the Government opposed it in the other House but as they were pressed by my Muslim friends they accepted this item. I request the Government not to allow communalism to enter the portals of the Delhi University by back door or front door. I would have equally objected even if the item was about the Hindu Chamber of Commerce. I do not

make any distinction between the Chairman of a Hindu Chamber of Commerce or the Muslim Chamber of Commerce. I therefore submit that this particular item should be removed.

THE HONOURABLE MR. HOSSAIN IMAM : I find it very convenient to speak on communalism on this direct issue—whether communalism should be allowed in the University or not. When people talk of communalism I think they would be well advised to follow the precept given by the Honourable Member for Education, Health and Lands in his opening remarks which were “I cannot deny the existence of this factor”. The whole life of India from the Executive Council down to the chaprassi is built up on communal issue.

THE HONOURABLE MR. V. V. KALIKAR : Avoid it in educational institutions.

• THE HONOURABLE MR. HOSSAIN IMAM : Education in Delhi is really a part of the Government Department because of the enormous amount of the cost which the Central Government is bearing for it. If it had been an endowed college which was drawing its money from its own people, you would be justified in saying that there should be no communal representation. But when the money comes from the common pool, what is the justification for denying it? It is right to say that communalism is a canker, that it is a microbe? I would like to ask the Honourable Member for Education, Health and Lands what was the microscope with which he examined; the naked eye cannot see a microbe and that also involved an expert examination, which has not yet taken place. So it is like giving a dog a bad name and then hanging him for it. The question of communal representation is one on which one need not be ashamed. We have heard much of the temple entry by *Harijans*. They are allowed to come within the portals but not to touch the idol or to perform *pūja*. The same thing is being done with us. We will be admitted to the University as supplicants for the purpose of getting education.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Even the Brahmins cannot touch the idols.

THE HONOURABLE MR. HOSSAIN IMAM : They can perform *pūja* and the *pūja* is denied—

THE HONOURABLE THE CHAIRMAN : The Honourable Member is usurping too much. He does not know anything about Hindu temples. In South India even non-Brahmins are not allowed to go beyond a certain place in the temple.

THE HONOURABLE MR. HOSSAIN IMAM : Let alone the Academic Council and the Executive Council. This is in keeping with the attitude of my Honourable friends of the Hindu nations. Sir, I therefore most respectfully submit that I welcome the change in the tone of Mr. Tyson's speech today. I have made a note of what he said. I welcome this. No pronouncement on communal representation has been yet made by the Government of India.

He stated his difficulties : that he was faced with a spate of amendments at the tail-end after the Consideration Motion had been finished and when clauses were being considered. He also said that he wanted to consult the University, but of course whatever might be the excuse I will not dilate upon it but that is one of the reasons and he also made a very different statement that the question of communal representation cannot be thrown out like this. It wants a closer examination and the great thing which he said, Sir, was that the Bill as it was framed was framed merely for the purpose of bringing in the three-year course and there was no review. This was a great statement—that there was no review—and the Bill did not propose to tackle the question of communal representation. All these statements are very welcome to me and I note and I do hope that the Government will in its own good time do something and that we on our part have some hopes still left that even a wooden Government can become human sometimes.

THE HONOURABLE MR. P. N. SAPRU : Mr. Chairman, I do not wish to enter into the larger question of communalism in universities raised by the Honourable Mr. Hossain Imam. I was under no illusion at any time as regards the attitude of Government towards communalism and therefore I cannot say that I was either disappointed or surprised at the speech of my Honourable friend Mr. Tyson. I pointed out in my original speech that the principle of communalism had in fact been

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conceded in this Bill. Whether it should have been conceded or not is a different proposition : I will not go into that question at this moment. I will merely confine myself to this amendment. Now I have a real difficulty in regard to the concession which has been made to the Muslim Chamber of Commerce. I think that it will be a most unfortunate development and I am looking at it from the question not only of industrial interests. I am not so much interested in industrial interests as labour interests. I think it will be a most unfortunate development in this country if we begin to recognise communalism in functional institutions. (*Hear, hear.*) If we, for example, were to recognise a Muslim Trade Union and a Hindu Trade Union, an Anglo-Indian Trade Union and a European Trade Union and a Christian Trade Union then we do not know where we shall end. I am looking at this question from the point of view of working class solidarity. Mr. Kalikar is looking at it from the point of view of the solidarity of the commercial community, which is also important. A concession of this nature will have repercussions so far as working class unity is concerned and the demand may be put forward that Muslim Railwaymen's organisations may be recognised, Hindu Unions may be recognised, Depressed Classes Union may be recognised. What we have got to do is to endeavour to improve the lot of the average man and the common man. We are all looking at these questions from the point of view of the vested interests of the middle classes, whether Hindu middle classes or Muslim middle classes and Mr. Hossain Imam is asking that this clause should stand is doing no good to the Muslim working classes who after all count and should count in any civilised community.

THE HONOURABLE MR. J. D. TYSON : Sir, I will not make any comments on what has fallen from my Honourable friend Mr. Hossain Imam, whose speech I regard as being in a manner a reply to the one I made on an earlier amendment, but coming straight to the amendment itself I must say I have a good deal of sympathy with what has fallen from the Honourable the Mover and from the Honourable Mr. Saprū and I may say that in another place when the amendment by which this clause was inserted in the Bill was moved it was opposed from Government Benches on the ground that it was introducing a communal element. But, Sir, to our astonishment the amendment received warm support from no less a person than the Leader of the Congress Nationalist Party, who said he did not regard this as communal at all and that what was sought to be recognised here was a business community, and, Sir, there was strong support for the amendment from all parts of the House,—Hindus, Parsis and from all around us in the House.

THE HONOURABLE MR. V. V. KALIKAR : That was no ground for the Government to remain neutral.

THE HONOURABLE MR. J. D. TYSON : We were certainly nonplussed by the feeling in the House that this was not a communal amendment at all. It was justified as one intended to give business interests their representation and especially local business interests and, Sir, we allowed it to go at that. We remained neutral and allowed it to be passed, but Sir, having admitted it in the Bill I am loth now to cut it out in this House. We did accept it and I think I must stand on it.

Question put and amendment negatived.

(Amendment No. 11 was not moved.)

THE HONOURABLE THE CHAIRMAN : Amendment No. 12.

THE HONOURABLE MR. V. V. KALIKAR : Sir, I move :—

"That in clause 16 of the Bill, sub-clause (iii) of clause (1) of Statute 2 in the proposed Schedule be omitted."

The argument that I used on the first amendment applies also to this amendment. It is a religious body and I do not think, that the cause of education will be furthered or will in any way get a lift because certain religious bodies are represented in the Delhi University. After all, Sir, this is a religious body and difficulty may arise tomorrow that the Arya Samajists or Vishnuvites may want a representation or the other sects of the Hindus may want a representation. So what I want the Government to do is to avoid this sort of representation in the Court when the Court is meant for looking after the educational and administrative affairs of the Delhi University and not the religious affairs of the Delhi University. I therefore submit that the Government is committing a grave mistake in accepting this sort of representation on the Board.

THE HONOURABLE MR. HOSSAIN IMAM : Mr. Chairman, I have to oppose this amendment of the Honourable Mr. Kalikar. I need not dilate on the reasons, but I may point out that at the moment there are exclusive—almost exclusive—organisations which are recognised as fit for sending representatives.

THE HONOURABLE MR. V. V. KALIKAR : Not religious.

THE HONOURABLE MR. HOSSAIN IMAM : Being in a majority and in a position to dominate the organisation, you call yourself a nationalist; in fact you remain a Hindu. Just like the Indian National Congress. It is not necessary for you to make only Hindus come into your organisation, like the Hindu Mahasabha, which I think is more honest and truthful. We have got the Bengal Chamber of Commerce. We have got the National Chamber of Commerce. They are two quite separate bodies. Membership is open to all, no doubt, but in effect one is dominated by the Europeans and the other by the Hindus. (*Interruption.*)

As I said, Sir, it is no use at the tail-end of the year 1943 complaining, and trying to keep this flood of communalism from rising above your head. It is bound to come. It has come, and it will go on increasing, and no amount of pettifoggery will stop it. Government have included a representative of the Delhi Hindustani Mercantile Association. This body is in effect a Hindu body. That was why, perhaps, Government was influenced—(*Interruption.*) It is not included in the Bill; it will be found in the Calendar. The Delhi Hindustani Mercantile Association is one of the bodies authorised by the Chancellor to send a representative. That was one of the reasons why Government accepted the amendment. You have got these communal bodies already.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Is the membership of the Hindustani Mercantile Association confined to any one community?

THE HONOURABLE MR. HOSSAIN IMAM : It is predominantly a Hindu organisation—just like the Congress.

THE HONOURABLE MR. J. D. TYSON : Sir, I admit that the two gentlemen added to the Court in this case represent Muslim bodies and must themselves be Muslims. But it was represented to us that these Wakfs handle funds to a great extent devoted to education, and that these could be regarded as educational rather than communal representatives. I can only say again that the attitude of Government in accepting the amendment which put this into the Bill had the support of the Congress Nationalist Party in another place. We should like to keep it in.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : I should like to put a question to Government on this subject. The Majlis-e-Awakaf mentioned here may be bodies which are connected with education or donate large sums of money to educational institutions. They are, however, purely Muslim bodies. If other charitable societies are established with sufficient endowments to enable them to aid educational institutions, will Government recognise them as bodies which ought to be given the right to send representatives to the Court of the Delhi University? The principle underlying the clause which has been opposed by my Honourable friend Mr. Kalikar is an important one. If you are going to recognise Muslim charitable organisations because they take interest in education, how can you logically refuse to give representation on the Court to Hindu charitable bodies which also are interested in education and which may be making donations to educational institutions? I should like Government to make their position clear on this point. If the only reason why the Wakfs have been given representation is that they are concerned with education, then on the same principle you will have to allow other bodies, that are not Muslim, also to be represented on it.

THE HONOURABLE MR. J. D. TYSON : It is a hypothetical question that my Honourable friend Pandit Kunzru has asked me. But should such a case arise, and should the University—for we are now dealing with the Statutes—should the University themselves decide to amend their Statutes to give representation to such a body as has been suggested, we would certainly examine it on its merits if it came to Government. But it is hardly for Government to say: it would be for the University to deal with a case like that.

Question put and amendment negatived.

THE HONOURABLE THE CHAIRMAN : Amendment No. 13.

THE HONOURABLE MR. HOSSAIN IMAM :

"That in clause 16 of the Bill to clause (2) of Statute 2 in the proposed Schedule, the following be added at the end :—

'at least eight of whom shall be Muslims'."

Sir, this refers to the representation of graduates. This matter was very thoroughly discussed in the other House and I do not think I would be justified in making a long speech on it. But I do wish to point out the difficulties which we have to face. The number of colleges in Delhi is six, out of which only one is a Muslim institution, and that too, owing to paucity of funds, is not able to give the boys of Delhi a very diversified, and, I should say, a very advantageous education. The boys who go to Aligarh go there not because they are averse to being educated in Delhi, but because they cannot find the same amount of variety in the teaching which they can avail themselves of in Aligarh. For this reason some of the boys go to Aligarh for their education. Added to that, there is also this fact, that many graduates of other universities and who are resident in Delhi are not eligible to become registered as graduates. All these difficulties stand in the way. The number of Muslim students who pass out every year from Delhi is not in keeping with the population of Muslims in Delhi itself.

I do not ask Government to make special laws for us. I want that Government should make the Muslims who pass out from other universities but are resident in Delhi eligible to be registered as graduates. If Government could do that, the deficiency in this respect would be very easily met. There is no lack of Muslim graduates residing in Delhi. The number of Delhi Muslim graduates available is small. If the Government is prepared to examine the question of Muslim representation, I would welcome some consideration even on the model of the amendment which is going to be moved by my Honourable friend Dr. Kunzru. Therefore I will not dilate on the subject further.

THE HONOURABLE MR. J. D. TYSON : Sir, for the general reasons that I have already given, I am afraid we cannot accept this amendment. Muslims at present have only two out of 25 seats elected by registered graduates. Whether they will get more under proportional representation remains to be seen. As regards registered graduates, I will say this that in another place we have cut down the fees which are required for registration and I hope that that will in itself help a community which we have some reason to suppose is perhaps poorer than some of the other communities with which it is in competition. But I cannot accept the present amendment which seeks to make a definitely communal reservation.

Question put and amendment negatived.

THE HONOURABLE THE CHAIRMAN : Amendment No. 14.

***THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY :** Sir, I beg to move :—

"That in clause 16 of the Bill in clause (2) of Statute 2 in the proposed Schedule, after the word 'elected' the words 'by the process of proportional representation by single transferable votes' be inserted."

THE HONOURABLE MR. J. D. TYSON : Sir, on a point of order, before my Honourable friend proceeds, may I solicit your ruling as to whether this amendment is at all in order. May I draw attention to sub-section (2) of section 18 of the Act—

THE HONOURABLE MR. P. N. SAPRU : Then will my amendment also be out of order ?

THE HONOURABLE MR. J. D. TYSON : May I deal with my Honourable friend (Honourable Mr. Kumarsankar Ray Chaudhury) first ? I do not know what amendment the Honourable Mr. Sapru is talking about. Sub-section (2) of section 18 of the Act lays down that the number of members to be elected or appointed under certain clauses to the Court and the tenure of office shall be as prescribed by the Statutes and—these are the words to which I would draw attention—the mode of election of members to be elected under clauses (xi) and (xii)—that is to say, graduates of the University elected by the registered graduates from among their own body and persons elected from among their own body by the teachers—shall be prescribed by the Ordinances. So, Sir, the machinery is laid down already by the University in the Ordinances. The Act requires that it should be prescribed by the Ordinances and if we are now to prescribe something by the Statutes, we should be prescribing something which was repugnant to section 18, sub-section (2) of the Act.

THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY: If you will look into the scheme of the original Act, you will find that the Act provides for the creation of a Court and lays down certain Statutes as the first Statutes and then says that so far as the Statutes are concerned, the Court is authorised to modify, repeal or amend them. And this the Court can do within the limitations of section 18. That has got nothing to do with the power of the Legislature to frame the Statutes or to make provisions in them. As a matter of fact, the present Bill is seeking to take away the powers of the Court to frame Statutes by framing a set of Statutes themselves, and therefore I submit that the Legislature has ample power to provide for any necessary amendments that they think fit to be put into the Statutes. What the present Bill itself proposes is to provide for new Statutes and therefore no point of order arises. My Honourable friend Mr. Hossain has also dealt with the number of persons to be elected. That was quite an independent matter. So, I do not think that the point of order can be raised in regard to my own amendment.

THE HONOURABLE MR. CHAIRMAN: What have you to say on the merits?

THE HONOURABLE MR. P. N. SAPRU: Then you rule that the amendment is in order?

THE HONOURABLE THE CHAIRMAN: I do not want to rule. I will put to the House the amendment on the merits.

THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY: As regards the merits of my amendment, I submit that Government have already approved of the principle in the other House and in this House also they have said that they are agreeable to certain forms of representations which would bring in minority communities, and this is the best form in which the different communities can be introduced into the Court. I therefore submit that this is a proper amendment to be accepted by the House.

THE HONOURABLE MR. HOSSAIN IMAM: Sir, I have only a few words to say. I feel that it was not quite playing the game for the Honourable Mr. Tyson to bring forward this objection namely, that section 18 is not before the House, and if we try to amend the section, we could do it only if it was incorporated in the Bill. If a particular provision is not incorporated in the Bill, you cannot stand up and say the Act stands in the way. It will be the duty of the Government to make the necessary amendment of the Act. Had section 18 been before the House and we had brought the amendment to section 18, the Honourable Member would not have been justified in bringing forward this objection. But, as it is, section 18 is not before us—

THE HONOURABLE THE CHAIRMAN: You can speak on the merits.

THE HONOURABLE MR. HOSSAIN IMAM: On the merits I think there is no quarrel, because the Government themselves promised that they will endeavour and use all their influence to see that the system of proportional representation is accepted by the Court. What the Honourable Member said was that he is not prepared to accept this amendment on the lines proposed, but his goodwill is for it. I have nothing more to say.

THE HONOURABLE MR. P. N. SAPRU: May I say one word on the preliminary objection?

THE HONOURABLE THE CHAIRMAN: You need not speak on the preliminary objection. You can speak on the merits.

THE HONOURABLE MR. P. N. SAPRU: On the merits, I must say that I have a very great deal of sympathy with the desire of the various cultures in this country that they should find a fair representation in the governing bodies of the university. But the Honourable Mr. Tyson's speech has been of a revealing character. He has told us that Muslim participation in the University is very small and that Muslims are very largely to blame for this small participation in the University. The position as I find from the Honourable Mr. Tyson's speech is that one-eleventh of the registered graduates are Muslims, and that only one-sixth of the students reading in the Delhi University are Muslims. This is a very deplorable state of things and the main reason why I should like to support the amendment of the Honourable Mr. Kumarsankar Ray Chaudhury—in fact, I prefer his amendment to my own and Mr. Kunzru's next amendment—is that if proportional representation is guaranteed, there will be an inducement to the Muslim graduates to register themselves as

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members of the University as registered graduates. Incidentally it will result in some financial gain to the University. If Muslim graduates feel that there is some form of proportional representation, then they may register themselves in larger number than they do today in the Delhi University. That is why I prefer the amendment of my Honourable friend Mr. Kumarsankar Ray Chaudhury to the amendment which we have tabled. Representation in a University cannot be decided on the same basis as representation in a State. In a State you have territorial representation. You take into account the population of the country and you decide your representation on the basis of territory and population. Sometimes you have to take into account other considerations also. But a University is an academic body and there are other considerations that have got to be taken into consideration in deciding the question of representation. We have to see what is the part that any particular culture is playing in the development of University life? Here, for example, you have got six colleges. Only one college is a Muslim college. What is the number of graduates who have registered themselves? What is the number of students who are receiving instruction in a particular culture in the University? These are questions which you have got to consider when you are determining what the proportion of representation of any particular community in the University should be. Because Muslims are 30, 40, or 50 per cent. in a particular area, they should have representation in proportion to their population is a proposition which would be academically unsound. There is nothing academically unsound in providing for a system of the single transferable vote in university elections. This system will enable every organised group to find adequate representation and if Mussalmans organise themselves and register themselves in the University they will be able to pull their weight, as Mr. Tyson said, in the affairs of the University. Therefore, even if you rule this amendment out on technical grounds, I do earnestly hope that proportional representation will be introduced by Government. We have no desire to be unfair or unjust to our Muslim friends. We should like them in fact to take a larger interest than they do in universities other than Aligarh. We Hindus have a University in Benares and still we take a great deal of interest in other universities, such as Allahabad and Lucknow. Why cannot the Muslims think of other universities than Aligarh? If they will take interest in the affairs of the Delhi University they will find that they will be able to stand on their own legs and they will not need these props of special representation, communal representation, etc., on which they wish to rely for their representation in university bodies.

With these words I would like to give strong support to the amendment of my Honourable friend Mr. Kumarsankar Ray Chaudhury. In fact I prefer his amendment to my own.

THE HONOURABLE SIR RAMUNNI MENON (Nominated Non-official): Sir, I am not in the least opposed to the principle of proportional representation. Nobody, as far as I can see, is opposed to it. But my difficulty is that the particular amendment is proposed to be inserted in a place where it is absolutely inappropriate. "To be elected by the method of proportional representation" is the wording. That presumes that you have already provided, either by way of definition or by the prescription of a procedure, for the method of proportional representation, which is not the case in the Act. Therefore, if you introduce it here, it will make very inappropriate reading. I am not raising a point of order, but I doubt very much whether it will be consistent with the wording of the Act. I am not in the least opposed to proportional representation. But while I support the principle of proportional representation, I am opposed to the form in which it is sought to be introduced here.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: For the reasons given by my Honourable friend Mr. Saprū, I support Mr. Kumarsankar Ray Chaudhury's amendment.

THE HONOURABLE MR. J. D. TYSON: May I begin by saying that my Honourable friend Mr. Hossain Imam has, quite unwittingly, I am sure, done me an injustice in saying that it was not very sporting of me to raise an objection to this amendment being moved. I came into the House—I hope my Honourable friend will

take my word for it—this afternoon five minutes early in order to take such steps as might be necessary to see that amendments 85 to 88 to the Act were moved at the appropriate place, because, as I explained to the person whom I sought to influence, unless that were done my apprehension was that amendments to the Statutes would not be in order; and it was when I found that the practice of the House was not to admit such amendments as 85 to 88 my case for taking them in that particular place fell away. But I submit on the merits of this particular amendment that we should be doing an entirely infructuous thing if we were now to put into the Statutes something which would be repugnant to the Act. It is quite true that we are amending certain Statutes which the Court has the power to amend and in due course the Court will resume its power and do what it likes with the Statutes. But this is a different matter. The Court when it makes a Statute must make a Statute in accordance with the Act. We did look into this matter and we have been advised that if we were to pass this now in these terms it would not be effective, as it would be repugnant to the wording of 18 (2) of the Act. If a Statute is repugnant to the Act, the Statute to that extent must lose force. Having said that—and I think it is a conclusive reason why we should not go on with the amendment—I would like once more to say that I favour very much myself the proposal of proportional representation. We have every intention, on this side, of inviting the University to consider introducing proportional representation in its representative bodies and of using our influence to see that it goes through. As I said this morning, we have some hope that in official circles in the University the same principle will be viewed with favour. I am afraid I cannot accept the amendment. I fully accept the principle behind it.

* THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY: Sir, I see no repugnance between section 18 and my amendment. Statutes have been framed already. The original Act says that the number of members to be elected or appointed shall be prescribed by Statutes and the mode of election by the Ordinances. In spite of that Statutes have been framed by the Act itself. Therefore the construction that is to be put on sub-section (2) of section 18 is with regard to future amendments and future making of Ordinances. That does not take away the right to freedom. The Statute and sub-section (2) have to be construed to refer to future amendments that have to be made by the Courts and the Executive Councils. There is no repugnance between our making a Statute and leaving subsequent amendments to be made by the Courts and the Executive Councils.

Question put and amendment negatived.

THE HONOURABLE THE CHAIRMAN: Amendment No. 15.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Sir, when notice of this amendment was given both my Honourable friend Mr. Sapru and I had before us the report of Mr. Tyson's speech in the other place from which we gathered that while the difficulties that he was dealing with could be dealt with properly if the system of proportional representation were adopted, it was too late to adopt that system at the stage reached by the debate. I carried away the impression that in the Honourable Member's opinion this could not be done without an amendment of the scheme of the Bill. Besides, my information was that the number of Muslim registered graduates was about 25 per cent. of the entire number of registered graduates. As, however, this information has turned out to be wrong, and the Education Secretary has assured us that the Government would use their influence with the University to have the system of proportional representation accepted in connection with the election of representatives of registered graduates I do not want to move this amendment.

THE HONOURABLE THE CHAIRMAN: Amendment No. 15 is not moved for the reasons mentioned by the Honourable Pandit Kunzru. Amendment No. 16.

THE HONOURABLE MR. HOSSAIN IMAM: Sir, I rise to move:—

“That in clause 16 of the Bill to clause (3) of Statute 2 in the proposed Schedule the following be added at the end:—

‘at least four of whom shall be Muslims’.”

THE HONOURABLE MR. J. D. TYSON: Might I suggest, Sir, that Statutes might be treated all together as a Schedule?

THE HONOURABLE MR. HOSSAIN IMAM : " The number of teachers to be elected as members of the Court by the teachers other than Professors and Readers shall be ten " to this I add that " at least four of whom shall be Muslims ".

Well, Sir, I had expected some justice from Dr. Kunzru—

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : What injustice have I done ?

THE HONOURABLE MR. HOSSAIN IMAM— but I find that either his better or, shall I say, his worse sense has prevailed. After having given an amendment in which he wanted to reserve seats for the Muslims he felt that he has gone too far in giving concessions to the Muslims, or what I call giving justice to the Mussalmans, and he has withdrawn it. This is exactly what I fear from Hindu organisations.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : But you accepted the principle of proportional representation and I have only accepted the principle which you yourself have accepted. What injustice have I done to the Muslim community there ?

THE HONOURABLE MR. HOSSAIN IMAM : I was only going to say that when they want to do some justice or even think of setting right the injustices they have done they become ashamed of doing so.

" Kabhinki bhi uske ji men gar aai hai mujhse
Jafain kar ke apni ead sharma jai hai mujhse."

Sir, the matter about representation of the Muslims in the class of teachers is of very great importance to us. If we want to provide in this amendment that the representatives of the teachers in the Court should contain a number of Muslims the old points are there. We want to have a place in the sun, a share in the lands of the gods and in the monies that come from His Majesty's Government. So I move this amendment.

THE HONOURABLE MR. J. D. TYSON : Sir, I am afraid that I must oppose it on the general grounds that I have mentioned this morning. I have really nothing to add.

Question put and amendment negatived.

(Amendment No. 17 was not moved.)

THE HONOURABLE THE CHAIRMAN : Amendment No. 18.

THE HONOURABLE MR. HOSSAIN IMAM : Sir, I rise to move :—

" That in clause 16 of the Bill, in clause (4) of Statute 2 in the proposed Schedule—

(i) for the word ' twelve ' the word ' thirty-two ' be substituted ; and

(ii) the following be added at the end, namely, ' of whom—

(a) ten persons shall be elected by the Anglo-Arabic College and Schools Society, Delhi, from amongst its members ;

(b) five persons shall be elected by Jamia Millia, Okhla, Delhi, from amongst its members, and

(c) five persons shall be elected by the All-India Anjuman-i-Taraqqi-e-Urdu, Delhi, from amongst its members '."

I hope the Honourable Member has no objection to its admissibility.

Sir, I have, by this amendment, tried to test the *bona fides* of my friends, whether their support for functional representation is genuine or not. I want a representation not to avowedly communal bodies but to bodies which are non-communal. Jamia Millia is anti-League, pro-Congress and consists of Muslims as well as of Hindus and the Anjuman-i-Taraqqi-e-Urdu has the privilege of having as its president Sir Tej Bahadur Sapru. No doubt it is predominantly a Muslim organisation. I wish, Sir, that on this occasion at least the members of the Progressive Party will do what they profess to accept in principle. I do not think that I would be justified in inflicting a speech when we have so much to go ahead. Therefore, I conclude my remarks.

THE HONOURABLE MR. J. D. TYSON : Sir, I have just received this amendment. It has, rather, only come to us today. The Statutes as they stand at the moment provide that one of the elements of the Court shall be eight persons to be elected by associations or bodies approved by the Chancellor on the recommendation of the Court and in another place, Sir, we raised that number to 12. At the moment the eight places in the Court which are filled by this rather curious method of representation go, two to the Delhi Municipality, one to the Delhi Bar Association, one to the Jamia Millia, Okhla, one to the Delhi Medical Association, one to

the Delhi Hindustani Mercantile Association—and this is what my Honourable friend was quoting when he was having some talk with the Honourable Dr. Kunzru some time ago—and two to the Board of Secondary Education. So, there are six associations recognised by the Chancellor, on the recommendation of the Court, to send, between them, eight representatives to the University. Well, Sir, those are the bodies recognised for this purpose, and we have already raised the number of members so elected to 12 in another place, though the allocation cannot of course be made till the Court has made recommendations to the Chancellor and the Chancellor has accepted them; that will only be after the Bill has been passed.

My Honourable friend now seeks to substitute 32 for 12, and to stipulate how the additional persons are to be added. I am doubtful if that is really very much in keeping with the wording of the Statute to which we are adding, which says that the number of persons to be elected as members of the Court by associations or other bodies approved in this behalf by the Chancellor shall not exceed 12. This has to be read with section 18 of the Act—persons elected by associations or other bodies approved in this behalf by the Chancellor on the recommendation of the Court. This amendment does seem to take away any power that the Court may have to make a recommendation, or any discretion that the Chancellor might have, and, further more, it does upset the balance—it raises the number from 12 to 32 at one fell swoop. I am afraid I cannot accept it.

Question put and amendment negatived.

(Amendments Nos. 19 and 20 were not moved.)

THE HONOURABLE THE CHAIRMAN: Amendment No. 21.

THE HONOURABLE MR. P. N. SAPRU: Sir, I move:—

“That in clause 18 of the Bill, in clause (6) of Statute 2 in the proposed Schedule—

- (i) for the words ‘twenty-five’ the word ‘fifteen’ be substituted; and
- (ii) for the word ‘eighteen’ in line 3 the word ‘five’ be substituted.”

Sir, the object of the amendment is to reduce the number of the Chancellor's nominees. As I have pointed out, there is a tendency in the Bill towards over-officialisation, and the amendment is intended to attack this tendency. I do not think I need give the reasons in detail; I have already given my reasons in my speech at the consideration stage. I will therefore merely content myself with moving this amendment.

THE HONOURABLE MR. HOSSAIN IMAM: Sir, I rise to oppose this amendment. I do not wish to say much about the first part of the amendment—the proposed reduction from 25 to 15; but I have much to say about the second part. Even if belated justice is proposed by any power, my friends belonging to the group of “Haves” always stand up and fight the “Have-nots”. This is the practical exposition of socialism and social justice that we get here. As long as you have got a thing, if anyone asks to have his due share, you are not prepared to give it. Whether the demand is fair or not, it must be reduced. You may also apply the same analogy to taxation. Here we are, in this year of grace 1943, considering an Act which has been in force for twenty-one years, and very little justice has so far been done to the minorities—not only religious minorities, but also economic minorities. For instance, labour—a favourite subject—and womens’ organisations. All these are to be jumbled up into five representatives.

THE HONOURABLE MR. P. N. SAPRU: I do not say they should be jumbled up into five.

THE HONOURABLE MR. HOSSAIN IMAM: This is all that you will allow the Chancellor to have the right to nominate—in a house of 135 or so. This is the extent of your generosity! I am really surprised at the Honourable Member.

THE HONOURABLE MR. P. N. SAPRU: I should be glad if they secured all the seats.

THE HONOURABLE MR. HOSSAIN IMAM: Sir, this provision has been introduced in the other House as a method by which it is proposed to equalise the position somewhat. It is not a substantial amount of justice. It is just a sample of justice—I would say, a first instalment. Just as we are getting reforms in instalments, so this was the first instalment of communal reform in the body of the University. I welcomed that from this point of view, and I thought my Honourable

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friend would not be so harsh on us as to refuse even this belated justice being given to us. Therefore I oppose the amendment.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Are you in favour of nomination ?

THE HONOURABLE MR. HOSSAIN IMAM : Nomination is better than nothing. This is just half a loaf.

*THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY : Sir, I am opposed to this sub-clause (6) being introduced into the Act. I think sub-clause (4) ought to be sufficient. Sub-clause (4) says : "The number of persons to be elected as members of the Court by associations or other bodies approved in this behalf by the Chancellor....." (*Interruption.*) These will come in by the process of election. They will be elected representatives. Sub-clause (6) brings in the principle of nomination. Different communities may form themselves into associations and may come in under sub-clause (4) ; instead of taking advantage of the process of nomination, they should come in by election under sub-clause (4).

THE HONOURABLE MR. J. D. TYSON : Sir, I am afraid I did not entirely follow—though I tried very hard to do so—the submission of my Honourable friend from Bengal. Sub-clause (4) refers to people who are elected by associations approved for the purpose by the Chancellor. Here we are dealing with quite a different category of persons—persons directly nominated to the Court by the Chancellor. It is quite true that the existing provision is for 15 such nominated persons in a Court of about 125, and that on behalf of Government I myself moved in another place that the figure should be raised to 25. The Court, in other various ways, was also increased ; it is about 137 or 135 now. We did this quite deliberately—both raising the figure from 15 to 25 and putting in the phrase that 18 of those places

5 P.M. should be to ensure the representation of minorities. We wished to see that the minorities had a voice in the Court. We were encouraged to do that by finding that it was done, I think in those exact words, in the Act of the University of Madras. This nomination of seats to the Senate is no new thing nor is it peculiar to Delhi. Even the University of Allahabad provides for it in the Statutes—"persons appointed by the Chancellor"—and I understand that there are 15 such persons. I may say, Sir, that in the matter of nominations, I consider that we have been modest. Thirteen Universities out of 18 in India seem to have provision for nomination to the Court or Senate by the Chancellor. The approximate number of these Courts or Senates is something between 100 and 150. I find that Patna and Allahabad have 15 so nominated which is what Delhi had. Lucknow has 20 nominated by the Chancellor, Madras has 30, Bombay 40, Dacca 40, the Punjab 60 out of 75 and Calcutta not less than 80 out of 100. We are in fairly good company and, as I say, we are modest as compared to the older universities in the matter of numbers. We put it in deliberately and I am very anxious that it should remain there.

Question put and amendment negatived.

THE HONOURABLE THE CHAIRMAN : Amendment No. 22.

*THE HONOURABLE MR. HOSSAIN IMAM : Sir, this is a counterblast to my Honourable friend Mr. Sapru's amendment. I wish the number to be increased. Sir, I move :—

"That in clause 16 of the Bill, in clause (6) of Statute 2 in the proposed Schedule for the word 'twenty-five' the words 'twenty-six at least half of whom shall be Muslims' be substituted."

I simply wanted to secure the 18 which has been given to the minorities. This is a very elastic term. I want to have whatever share I should have in a specific manner. I have not tried to increase the number. I have rather decreased it by the two amendments, Nos. 22 and 23. I take only 18 seats out of 26 instead of 25. Sir, I urge that the Muslims should have half the share.

THE HONOURABLE MR. J. D. TYSON : Sir, if I may liken myself to a baffle wall, having resisted the blast, I must resist the counterblast. I have no further arguments to adduce.

Question put and amendment negatived.

*Not corrected by the Honourable Member.

THE HONOURABLE THE CHAIRMAN: Amendment No. 23.

THE HONOURABLE MR. HOSSAIN IMAM: Sir, I move:—

“That in clause 16 of the Bill, to clause (6) of Statute 2 in the proposed Schedule the following be added at the end:—
‘three of whom shall belong to the Scheduled classes and two shall be representatives of Labour’.”

Sir, I am a member of the oppressed classes pleading for the depressed classes. There are many things which are common between me and Labour, one thing is poverty and with the Scheduled classes the thing is a little less public knowledge. Sir, I hope that Government, even if they are not able to accept the amendment here, will at least accept it in action. I hope that when the time comes for nomination by the Vice-Chancellor, these things will be kept in view and justice will be done to these Scheduled classes and Labour.

*THE HONOURABLE MR. P. N. SAPRU: Mr. Chairman, I must say I have got a very considerable amount of sympathy with the desire for an adequate representation of the Scheduled classes and Labour in the University Court. The system of nomination which has been provided in the Bill is intended for this purpose. Eighteen seats are going to be reserved for minorities and I hope that in filling up those 18 seats, the Chancellor will take into consideration the claims of the Scheduled classes and also Labour. The Honourable Mr. Hossain Imam, for political reasons, wants to exploit the Scheduled classes. I have a much more genuine sympathy with the Scheduled class than he has. It may suit him today to talk of the Scheduled castes. But when there is a Hindu-Muslim riot he will begin violently to abuse these Scheduled classes and say, “Well, these are the men who have murdered my brethren”. I do not want to use these poor people for political purposes. But while I cannot support the amendment as it stands, I sympathise with the spirit of the amendment and I would request Government to take into consideration the claims of the Scheduled classes as also of Labour. In my scheme of life nobody is a depressed class man or an upper class man. I believe in the equality of all classes.

THE HONOURABLE MR. J. D. TYSON: Sir, I fully share the sentiments which I hope inspire this amendment and I would only say that we phrased the clause when we moved it in another place with this definitely in mind, for the phrase is that “the number of persons to be appointed by the Chancellor.....shall be twenty-five of whom not less than eighteen shall be appointed to secure the representation of minorities not otherwise in his opinion adequately represented”. We certainly had in mind minorities like the scheduled classes and it was our hope that in filling these seats, the Chancellor would keep all minorities in mind.

Question put and amendment negatived.

THE HONOURABLE THE CHAIRMAN: Amendment No. 24.

THE HONOURABLE MR. HOSSAIN IMAM: Sir I move:—

“That in clause 16 of the Bill, after sub-clause (iv) of clause (1) of Statute 3 in the proposed Schedule, the following sub-clause be inserted and the subsequent sub-clauses be renumbered accordingly, namely:—

‘(v) the Principal of Jamia Millia, Okhla, Delhi.

(vi) the Secretary, All-India Anjuman-i-Taraqqi-e-Urdu, Delhi’.”

This refers to the constitution of the Executive Council. It is the first amendment which I am moving on the Executive Council. I wonder what is the yardstick by which the Government measures out the quantum of justice which it will give. We have been given some representation by one method or other in the Court. By an amendment accepted in the other House five persons have been added who are capable of advising on subject of Islamic culture in the Academic Council. Now you give some representation in the two bodies to the Mussalmans. But when it comes to the controlling body, the executive body, all our appeals fall on deaf ears. We have been given no representation whatsoever. For this reason I have given notice of this amendment. This amendment is a new one and it was not moved in the other House. I do hope that in the future revision of the Delhi University Act, which I hope will come shortly, some provision will be made for the representation of Muslims at least by this method. These are non-communal organisations which are open to the Hindus as well and their ability to represent on the Executive Council will also be conceded by every just

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men. One is a very distinguished educationist Dr. Zakir Husain and the other is also equally well known, Dr. Abdul Huq. The reason why I gave notice of this amendment was not that I had hope of getting the thing done because I am not optimistic enough, but I have some hope that in the end justice will be done to the Mussalmans.

Sir, I move.

THE HONOURABLE MR. J. D. TYSON : Sir, this, as my Honourable friend has stated, is quite a new amendment. I confess that, as it was not on the printed list I was working on yesterday, I saw it only this afternoon. I fear that my attitude to it must be one of negation. The Principal of the College out at Okhla and the other gentleman are both well known persons but this would open the door to a variety of claims and we are anxious not to expand the executive body of the University too widely. We have already been criticised in certain quarters for having expanded the Executive Council and I must plead guilty to have sought to add two ladies and a professor to the Council. But we are anxious to keep the number down. As it is at the moment the number is 23 out of which Muslim representation is 3—one Principal, one elected by the Academic Council and one of the two nominated members. There is a possibility—I will not put it higher than that—but there is a possibility that one of the lady members will be a Muslim. In selecting the two lady members the Chancellor will keep in mind the minorities. If that is done that would make four. But I do not like this particular amendment for the reasons I have given.

Question put and amendment negatived.

THE HONOURABLE THE CHAIRMAN : Amendment No. 25.

THE HONOURABLE MR. HOSSAIN IMAM : Sir I move :—

"That in clause 16 of the Bill, in sub-clause (v) of clause (1) of Statute 3 in the proposed Schedule for the word 'five' the word 'seven' be substituted and after the words 'their own number' the following be added :—

'and at least three shall be Muslims elected by the Muslim members of the Court from among their own number';"

This is for the purpose of giving better representation to the Muslims on the Executive Council. We realise that the Executive Council is a body on which representation is absolutely necessary if we are to have any share in the educational activities of the University. It is really the Executive Council which functions in the matter of the day-to-day administration of the body. We have not tried to take anything from those who have. I have purposely tried to increase the number and get our representation from the increased number so that my friends may not have a complaint that their position would be worse. We want to have something by way of an addition, a sort of gain from the Government or from the Statute. I hope the Government will keep this object in view also for the future.

THE HONOURABLE MR. J. D. TYSON : My attitude to this must be in line with what I said this morning and it also has the objection that it adds to the number of the Court. I am afraid I must oppose it.

Question put and amendment negatived.

THE HONOURABLE THE CHAIRMAN : Amendment No. 26.

THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY : Sir, I move :—

"That in clause 16 of the Bill, in sub-clause (v) of clause (1) of Statute 3 in the proposed Schedule, after the word 'elected' the words 'by the process of proportional representation through single transferable votes' be inserted".

I submit there cannot be any technical objection. Section 21 of the Act says :—

"The Executive Council shall be the executive body of the University, and its constitution and the terms of office of its members, other than *ex-officio* members, shall be prescribed by the Statutes".

I therefore submit that there cannot be any technical objection to my amendment. As regards the principle of the amendment that has been approved by almost all the elected members of this House and also tacitly recognised as sound by the Government member. I therefore submit my amendment for the acceptance of the House.

THE HONOURABLE MR. J. D. TYSON : Sir, I have not taken any objection to the amendment and I very much support the principle. But when we cannot introduce this principle of proportional representation in one place, let us not do it piecemeal by amending it in another place. Let us rather, as I have said, approach the University and ask them to put it right throughout all their bodies either by amending their Statutes or their Ordinances as the case may be. Let the thing be done properly and not piecemeal. I oppose the amendment.

Question put and amendment negatived.

(Amendment No. 27 was not moved.)

THE HONOURABLE THE CHAIRMAN : Amendment No. 28.

• THE HONOURABLE MR. P. N. SAPRU : Sir, I move :—

“ That in clause 16 of the Bill, in sub-clause (vi) of clause (1) of Statute 3 in the proposed Schedule—

(i) for the word ‘ two ’ the word ‘ three ’ be substituted ; and

(ii) after the word ‘ Council ’ where it occurs for the second time the words ‘ one of whom shall be a Professor of the University ’ be inserted ”.

Sir, the two members are to be elected, as the House knows, by the Academic Council to the Executive Council and one member is to be appointed by the Professors of the University from their own number. Now, Sir, what I submit is that the Professor of the University appointed to the Executive Council should be elected by the Academic Council. I do not say that the Professors should not have any representation on the Executive Council. That is not my position. My position is that they should receive the support of a wider electorate. If they go with the support or with the backing of a wider electorate they will carry greater weight in the counsels of the Executive Council. Therefore, I have suggested that instead of being elected by Professors, paid or honorary, they should be elected by the Academic Council. I have nothing more to say in regard to my amendment. I hope, Sir, that this will be accepted.

THE HONOURABLE MR. JOHN SARGENT : Sir, I hesitate very much to differ from my Honourable friend Mr. Sapru in a matter of this kind, but I venture to think that if there is a place for Professors at all on the Executive Council of the University—and I think there is myself—their opinion would be of more value if it represented the outlook of the professorial class than if it represented the outlook of the teachers as a whole who dominate the Academic Council. After all the Professor is the head of his department. He is responsible for the standards of instruction in his department. I can conceive an occasion where a Professor might feel very strongly that the time had come when the standards in his Department, or possibly somebody else's, ought to be very substantially strengthened. I can conceive that the knowledge that he favoured such a proposal might not commend him to some of the teachers on the Academic Council upon whom, if this amendment were passed, he would have to depend. I cannot say that the Executive Council will necessarily agree with him but I do say that if the Professors representing a certain category of importance in the University are put on the Executive Council at all, it would be better in spite of the smallness of their number, that they should go there to represent people who are responsible for maintaining a standard of learning in a particular subject. For this reason I would sooner that one Professor represented Professors than that he should have to go for his suffrages to the members of the Academic Council.

Question put and amendment negatived.

(Amendments Nos. 29 and 30 were not moved.)

THE HONOURABLE THE CHAIRMAN : Amendment No. 31.

THE HONOURABLE MR. HOSSAIN IMAM : Sir, I rise to move :—

“ That in clause 16 of the Bill, in clause (1) of Statute 3 in the proposed Schedule, after sub-clause (vii) the following new sub-clause be inserted and the existing sub-clause (viii) be renumbered as (ix) :—

‘ (viii) Four persons to be elected by the members of the Court elected or appointed under sub-clause (xii) of clause (1) and clauses (4) and (6) of Statute 2 ”.

This is, Sir, another method of bringing in our representatives in the Executive Council. What it proposes to do, Sir, is that it introduces not only communal representation but a better thing, a separate electorate as well. The people who will

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come as electors would be the Sadrs of the Majlis-e-Awkaf, the members elected by the Association and the members nominated by the Chancellor. The reason why we want this amendment is, Sir, that we are not satisfied with the amount of representation which is promised by Mr. Tyson, that in the new Court in addition to the people that we have got it is quite possible that one more representative may be possible for us. We wish, Sir, to have a representative on whom we can count and on whom we can always rely to bring forward the grievances of the Muslims. I had a sample of it, to which reference was made by Mr. Tyson also. We all know that the Muslim League Party did not join the Select Committee. There were two Muslim representatives on the Select Committee. Well that is the kind of stuff which you can get outside the Muslim League and therefore, Sir, I move this amendment.

THE HONOURABLE MR. J. D. TYSON : Sir, I am afraid that this is again in line with the amendments that I have had to refuse. It really seeks to add representatives ; it increases the Executive Council. For that reason, for one thing, I do not like it and it does seek to create a very special constituency which could only be returned by persons of a certain community to the Executive Council.

Sir, I must resist it.

THE HONOURABLE MR. HOSSAIN IMAM : I was wrong, Sir, that it will introduce separate electorate. It is joint electorate ; all the nominees will vote.

THE HONOURABLE MR. J. D. TYSON : It is a special constituency, Sir.

Question put and amendment negated.

THE HONOURABLE SIR JOGENDRA SINGH (Leader of the House) : May I suggest that we adjourn at 5-30 P.M.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : May I suggest, Sir, that if we go on for ten minutes more we can reach the 40th amendment. We would take much more time to reach the remaining amendments if we adjourn now. They can be dealt with more quickly just now.

THE HONOURABLE THE CHAIRMAN : Yes. Amendment No. 32.

THE HONOURABLE MR. P. N. SAPRU : Sir, in view of the decision on this question on an earlier amendment, I do not propose to move amendment No. 32.

THE HONOURABLE THE CHAIRMAN : Amendment No. 33.

THE HONOURABLE MR. HOSSAIN IMAM : Sir, I beg to move :—

“ That in clause 16 of the Bill, in sub-clause (viii) of clause (1) of Statute 3 in the proposed Schedule for the word ‘ four ’ the word ‘ six ’ be substituted and at the end of the sub-clause the words ‘ of whom at least two shall be Muslims ’ be added. ”

This clause refers to the power of the Chancellor to nominate members. The Chancellor has the power to nominate four persons, and his choice has been restricted to women as far as half this number is concerned. Two members will be women. I think it will be too much for me to ask that the Chancellor should nominate both the remaining two from my nation. I therefore want to increase the number, and in spite of the fact that the Honourable Mr. Tyson is very much afraid of increasing the number of the Executive Council, I think he could very well stand an addition of two only.

THE HONOURABLE MR. J. D. TYSON : If I understood my Honourable friend aright, he entirely denied, by implication, the possibility of one of the two ladies being a Muslim. I do not know why. As the Schedule stands, the Chancellor will nominate four persons two of whom shall be women. I do not know why my Honourable friend should think that it will not be possible to have two Muslim representatives from among the two men and two women that will be nominated. But I cannot accept that the number should be raised to six of whom two shall be Muslims. I do not want either half of it, but especially the second half would not be in line with the course that I have to steer.

Question put and amendment negated.

THE HONOURABLE THE CHAIRMAN : Amendment No. 34.

THE HONOURABLE MR. HOSSAIN IMAM : Sir, I move :—

“ That in clause 16 of the Bill, to sub-clause (viii) of clause (1) of Statute 3 in the proposed Schedule the following be added at the end :—
‘ and at least two shall be Muslims ’. ”

This just tries to meet the difficulties created by not increasing the number. You have power to nominate four members, out of whom you may have two ladies and two gentlemen. Under this amendment, you will have to give two seats to Muslims, whether both of them go to ladies, or one of them is a lady or one a gentleman. You can have any combination or permutation that you like.

THE HONOURABLE MR. J. D. TYSON : Sir, I do not wish to bind the Chancellor. We have no doubt that he will have in mind the combinations and permutations to which my Honourable friend has referred. I oppose the amendment.

Question put and amendment negatived.

THE HONOURABLE THE CHAIRMAN : Amendment No. 35.

THE HONOURABLE MR. HOSSAIN IMAM : Sir, I move :—

“ That in clause 16 of the Bill, to sub-clause (viii) of clause (1) of Statute 3 in the proposed Schedule, the following be added at the end :—
‘ and one a member of the Scheduled Castes ’.”

I again appeal for some justice and equity to these people who have been denied justice for ages—not centuries, but ages.

THE HONOURABLE MR. P. N. SAPRU : When did it occur to the Honourable Mr. Hossain Imam that the Depressed class people had been denied justice for ages ? I very deeply sympathise with the Depressed classes—I do not like the phrase “ Depressed classes ” I think it is monstrous. Is the object of this amendment to make a political alliance with the Scheduled castes, or is the object of this amendment to secure efficient University administration ? If the object is to make a political alliance with the Scheduled castes, then I say he will fail in that object. I can see no valid argument for the amendment.

THE HONOURABLE MR. J. D. TYSON : I am sure the Chancellor will bear in mind the claims of that community also, but I do not wish to bind him by putting it in the Statutes.

Question put and amendment negatived.

THE HONOURABLE THE CHAIRMAN : Amendment No. 36.

THE HONOURABLE MR. HOSSAIN IMAM : Sir, I move :—

“ That in clause 16 of the Bill, after sub-clause (viii) of clause (1) of Statute 3 in the proposed Schedule, the following be inserted :—
‘ (ix) Four members of the Court elected by the Muslim Members of the Court ’.”

This was the amendment about which I then spoke—that I am introducing separate electorates. It was a mistake due to my notes : the numbers got jumbled together. This is a pure and simple method of representation by means of a separate electorate in the Executive Council.

Sir, I move.

THE HONOURABLE MR. J. D. TYSON : Sir, I oppose the Motion.

Question put and amendment negatived.

THE HONOURABLE SIR MAHOMED USMAN : I suggest that we stop here, Sir.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : I request the Honourable the Leader of the House to agree to go up to No. 40 ; we shall then have disposed of nearly half the amendments.

THE HONOURABLE SIR MAHOMED USMAN : Yes.
(Amendment No. 37 was not moved.)

THE HONOURABLE THE CHAIRMAN : Amendment No. 38.

THE HONOURABLE MR. HOSSAIN IMAM : Sir, I move :—

“ That in clause 16 of the Bill, to clause (c) of Statute 4 in the proposed Schedule, the following be added at the end :—
‘ providing adequate representation of Muslims and minority communities in the services of the University ’.”

Sir, this is a very important amendment which I am moving. It deals with the powers of the Executive Council.

Sir, the Executive Council is responsible for the appointments made to the teaching staff of the University. Although there is a separate Statute by means of which the constitution of the committee of selection is fixed, I am referring at this particular juncture to the paucity of Muslims in the services of the University. I remind the

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House that we have not asked in this amendment for any proportion of Muslims in the Board of Co-ordination or in the post of Deans and Wardens. The posts of Deans, as we well know, are those of heads of departments, and therefore I have not asked that the share of Muslims should be laid down. I may not be justified in asking for it. But when I look up the list of teachers of the University—we have got a very exhaustive list in the Calendar of the Delhi University—I find that among the recognised teachers who have no better qualifications than pure and simple M.A. I really wish the Government would step in and impose a duty on the Executive Council that it should see that equity and justice do prevail.

It is said sometimes that the number of University professors is small. The lecturers belong to the colleges. One fact must not be neglected. The colleges are not paying out of their own funds. They are getting substantial help from the Government of India. In ordinary secondary schools you find there is a provision that in governing bodies of schools there must be no settarian consideration. Here we have got managing societies most of which are completely settarian. We have not imposed any rules on them that they should not be settarian but give representation to all classes and interests. Now that you are going to give large sums of money, it is necessary that every community must be represented, especially so in the case of the girls' college because it is the only girls' college we have in Delhi. If we are not represented properly there, the education of our girls will suffer. I therefore hope, Sir, that Government will examine the list of the teaching staff and find out how much injustice has been done to us. I will just remind the House of one or two facts. We have got among the recognised teachers of the University people who have got no better qualification than the pure and simple M.A. degree. Not only one, but I find that there are four teachers in one subject only of Economics who are authorised to teach up to M.A. standard and who have no other qualifications than a simple M.A. of one University. If you could have only M.A.s for teaching up to the M.A. standard, I do hope that Muslim claims will not be neglected and that they will get their due share.

THE HONOURABLE MR. P. N. SAPRU : Sir, the Honourable Mr. Hossain Imam hardly realises that post-graduate teaching or even for the matter of that, undergraduate teaching, is a difficult affair and if the quality of education suffers, not only the Hindu students will suffer but Mussalman students will also suffer. Their quality also will go down. If a teacher does not know his business or if he is talking nonsense, then his students will just make fun of him. It is not easy to maintain discipline in a class. It is more difficult, I assure you, Sir, than many people imagine it to be. It is difficult to handle a class and I may assure my Honourable friend Mr. Hossain Imam that even Muslim students will handle rather unsympathetically the teacher who does not know his business. The Honourable Mr. Hossain Imam said that in the Delhi University there were four teachers who have no higher qualification than the possession of an M.A. Degree. But probably he does not know that the Masters Degree is the highest degree, normally speaking. The Ph. D. and the B. Lit. have been instituted in British Universities to satisfy the desire of Colonial students for a Doctorate or the B. Lit. or the D. Sc. These are Research Degrees and some of the greatest Professors in England have been content to remain as M. As. You want to know whether he is a first class M.A. or second class M.A. or a third class M.A. You want to know his teaching experience. You want to know so many other things before you pronounce a judgment upon his efficiency. The Vice-Chancellor of my University, who is a very eminent scholar of English Literature, is only an M.A. and he consistently refused to sit for any Doctorate examination because he looked upon these Doctorates as cheap degrees. When I serve on a selection committee, I start with a prejudice against the Ph. Ds. of London. I want to know whether a man has had a good Honours degree at Cambridge or Oxford or any other recognised University and I prefer a good Honours degree to a Ph. D. or for the matter of that, in some cases to a D.Sc. or D. Lit. Mr. Hossain Imam should talk about things he knows. He ought not to talk about things he does not know.

THE HONOURABLE MR. JOHN SARGENT : Sir, this amendment, which refers to the services of the University, covers both teachers and the office services of the University. So far as the second category is concerned, I am glad to find that the minorities

already have a very fair representation. In regard to the teachers, Government are as anxious as my Honourable friend the Mover of this amendment to see an adequate representation of his community and other minority communities on the staff of the University. But I think that for the reasons I gave the other day and judging from the applications received in certain Faculties and the number of Muslims and other minorities available, it would be quite unreasonable to insert a condition of this kind in the Statutes. The very fact that the amendment does not specify a number seems to me to make it all the more objectionable. It merely says "adequate representation". It would be left to both parties to decide what that meant, and if it was in fact—as it is—extremely difficult to find minority community teachers in certain subjects, the University will, if faced with a clause of this kind, feel itself placed—as any man of honour and goodwill would—in a position of very considerable difficulty in deciding any individual case. For that reason I feel I must oppose this amendment.

Question put and amendment negatived.

THE HONOURABLE THE CHAIRMAN : Amendment No. 39.

THE HONOURABLE MR. HOSSAIN IMAM : Sir, I move :—

"That in clause 16 of the Bill, in clause (d) of Statute 4 in the proposed Schedule, after the word 'examiners' the words 'amongst whom shall be adequate number of Muslims' be inserted".

Sir, I do not think it is necessary to make a speech on this amendment. We know that nothing is being accepted by the Government. We only want to enter our protest. We know that even this immovable mass is bound to move if irresistible force is applied. I bank more on my own force and the amount of public opinion which I can create than on the mercies of this Government. The Government have an excuse for everything. I can see that point. But it does not lie with them to say that there has been no wrong in the past. I want an open and inquiring mind. I only want the Government not to be complacent and think that everything is for the best. I want them to examine thoroughly whether any injustice is being done or not. (*Interruption.*) I have been forced by circumstances to embark on a subject in which I know my own deficiency. I started with saying that I am a novice in this subject and I have learnt many things out of this debate and from my Honourable friends.

THE HONOURABLE MR. JOHN SARGENT : Sir, there are two aspects of this question and my Honourable friend has only referred, I think, to one of them. I am glad of that. There is first of all the question whether the minority communities and the Muslims in particular are getting a fair share of the examiners. I take it that for the sake of their own pockets they should have a reasonable share of the spoils! From that point of view I understand that 76 out of 224 examiners this year belong to minority communities.

THE HONOURABLE MR. HOSSAIN IMAM : I am glad to hear that.

THE HONOURABLE MR. JOHN SARGENT : My Honourable friend has not raised a much more questionable point which was raised in another place and perhaps I need not trouble to refer to it.

Question put and amendment negatived.

THE HONOURABLE MR. CHAIRMAN : Amendment No. 40.

THE HONOURABLE MR. HOSSAIN IMAM : Sir, I move :—

"That in clause 16 of the Bill, after clause (d) of Statute 4 in the proposed Schedule, the following new clause be inserted :—

'(e) to fix in consultation with the Academic Council, holidays and vacations in the University'."

This is a non-communal amendment. I simply want that in these matters the Academic Council and the Executive Council should both have a finger in the pie. There is some reason to feel that the holidays of the Delhi University are not quite satisfactory. Therefore I have moved this Motion.

THE HONOURABLE MR. P. N. SAPRU : I have a strong feeling that we have far too many holidays in our schools and colleges. In England we have got a rational system of holidays in the universities. There they have six weeks term, and then six weeks vacation and then they get their long vacation and the vacation can be utilised for purposes of study. Here we get every sixth day or seventh day a holiday. Sometimes we get a holiday because a distinguished personage has visited the university. The less number of holidays we have the better for university education. I hope that the Honourable the Education Member will curtail the number of educational holidays during his tenure of office.

THE HONOURABLE MR. J. D. TYSON : I understand that this amendment seeks to give statutory force to what is already in fact the practice in the University. I hope it will not be pressed. We should not like to hold the Bill up simply to give statutory sanction to this.

Question put and amendment negatived.

The Council then adjourned till Eleven of the Clock on Tuesday, the 31st August 1943.

COUNCIL OF STATE

Tuesday, 31st August, 1943

The Council met in the Council Chamber of the Council House at Eleven of the Clock, the Honourable the Chairman (The Honourable Sir David Devadoss) in the Chair.

MEMBER SWORN :

The Honourable Sardar Bahadur Sobha Singh, O.B.E. (Nominated Non-official).

QUESTIONS AND ANSWERS.

OPERATION OF AIR SERVICES AFTER THE WAR.

151. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Will Government state whether it will be their policy to secure a proper share in the international air services, particularly air services from India to the neighbouring countries, for the nationals of the country after the war ?

THE HONOURABLE SIR MAHOMED USMAN : The policy of Government is to ensure that operators of Indian aircraft shall enjoy equal terms with others in the operation of air services outside India.

OPERATION OF AIR SERVICES AFTER THE WAR.

152. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : (a) Will Government state whether they have demanded and obtained reciprocal concessions from other countries in return for the right given to their nationals to operate air services across India ? If so, will they state what reciprocal concessions they have obtained and to whom the right to operate air services across India has been conceded ?

(b) Will Government state whether in conceding the right to non-Indian companies to fly across India, it is contemplated to make a condition that such companies cannot carry traffic from one place to another in India, but can only carry such traffic as is booked by them from outside India ?

(c) Is it a fact that the Government of India stated in reply to a communication received from the Federation of Indian Chambers of Commerce and Industry that "they have also maintained the right of India to participate on the basis of a financial contribution in the operation of any air services designed to deal with Indian traffic" ? If so, will they state what they exactly mean by the words "operation of any air services designed to deal with Indian traffic" ? Do Government contemplate that non-Indians should operate air services carrying traffic from one place to another in India ? What is the basis on which the financial contribution referred to above will be fixed and what will be the principles underlying it ? Is this basis of a financial contribution only to be taken into consideration in regard to the participation of India in the Empire and International air services or also to be applied to the internal services ? What are the rights which will be secured in return for such a contribution ?

THE HONOURABLE SIR MAHOMED USMAN : (a) The answer to the first part of the question is in the affirmative. The reciprocal right obtained was for the operation of an air service across the territory of the other State by an Indian company either in association with other British air services or independently. The right to operate air services across India has been given to companies nominated by His Majesty's Government in the United Kingdom and by the Governments of Holland, France, China and Germany (the latter has lapsed now).

(b) It is the general policy of Government in granting permission for the operation by a non-Indian company of an air service across India to withhold permission to take up in India traffic destined for another place in India.

(c) The reply to the first part of the question is in the affirmative.

With regard to the second part, the statement quoted was made in reply to a question regarding international and particularly British Commonwealth air services.

With regard to the third part, the Honourable Member is referred to my reply to part (b) of his question.

With regard to the remaining parts of the question, I would invite the attention of the Honourable Member to—

- (a) the proceedings of the Standing Finance Committee of the 13th September, 1933,
- (b) the statements made by Government in the debate on a Demand for Supplementary Grant in the Legislative Assembly on the 20th September, 1933, and
- (c) the proceedings of the Standing Finance Committee of the 27th February, 1937.

As regards internal air services in India, it is the general policy of the Government of India that subject to the provisions of Part V, Chapter III of the Government of India Act, 1935, the operation of such services should be by Indian companies.

SUPPLY DEPARTMENT.

153. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : (a) Will Government state whether it is a fact that in the Supply Department, particularly in the Clothing Directorate, Europeans and Anglo-Indians have been re-employed after they had attained the age of 60, while Indians including those pensioners who were re-employed for the duration of the war have been informed that their services will be terminated after they have attained the age of 60? If so, what is the reason for this discrimination between Europeans and Anglo-Indians and Indians? Will Government state the names, ranks, qualifications and duties of the persons re-employed after they were 60 years old and those whose services were or are to be terminated owing to their attaining that age?

(b) Is it a fact that Indians were fit for duty and doing good work and the authority immediately concerned was in favour of their retention?

(c) Is it a fact that there have been a number of frauds on the production side of the Clothing Directorate? If so, who were the persons working in that section?

SUPPLY DEPARTMENT.

154. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Is it a fact that in the Supply Department a number of posts of Assistant Director (Accounts) were advertised in the Press in February, 1943, and that applications were invited for them? If so, how many applications were received for them, how many candidates were interviewed by the Selection Committee and how many were selected and appointed? If none was appointed what was the reason for it?

SUPPLY DEPARTMENT.

155. THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : (a) Will Government state how many candidates have been selected by the various Selection Committees in the Supply Department since June, 1942? How many of them have not been appointed so far?

(b) Have any rejected candidates been appointed in preference to those selected by the Selection Committees? If so, why?

THE HONOURABLE MR. E. CONRAN-SMITH : With your permission, Sir, I will reply together to questions 153, 154 and 155 which are all the concern of the Supply Department.

The information asked for by the Honourable Member is being collected and will be laid on the table of the House in due course.

NOTICE OF MOTION FOR ADJOURNMENT.

THE HONOURABLE THE CHAIRMAN (The Honourable Sir David Devadoss) : Honourable Members, I have received from the Honourable Mr. Kunzru a notice of a Motion for Adjournment of the House to discuss a matter of urgent public importance, namely :—

“ I beg to give notice that I shall move that the House do adjourn to discuss a matter of urgent public importance, namely, the prevention by the Government of India of the publication of Dr. Shyama Prasad Mukherjee's statement regarding the food situation in some districts of Bengal.”

I think this is a matter of urgent public importance and if the Government have no objection it may be discussed. What has the Government to say ?

THE HONOURABLE MR. E. CONRAN-SMITH (Home Secretary): Sir, a summary of the statement in question was published on August the 25th and there have been several meetings of this House since that date. The Government find difficulty, therefore, Sir, in seeing how the matter can be so urgent now as to justify an adjournment of the House. On the other hand, Government have no wish to give the impression that they desire to evade or burke the issue involved. They do not propose, therefore, to raise an objection to the Motion.

THE HONOURABLE THE CHAIRMAN: Seeing that the Government have no objection to the discussion of this Motion, I direct that adjournment to consider a matter of urgent public importance may be taken up at 4 P.M. this afternoon.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (United Provinces Northern: Non-Muhammadan): With regard to what has fallen from the Home Secretary I should like to say that this information came recently into my possession and that the matter is a very recent one.

THE HONOURABLE THE CHAIRMAN: We need not go further into this matter now.

DELHI UNIVERSITY (AMENDMENT) BILL—*concl'd.*

THE HONOURABLE SIR MAHOMED USMAN (Leader of the House): Sir, as some of the Honourable Members intend leaving Delhi this evening I hope the legislative business of the House will be finished before 4 P.M.

THE HONOURABLE MR. P. N. SAPRU (United Provinces Southern: Non-Muhammadan): We cannot say—

THE HONOURABLE SIR MAHOMED USMAN: Is there any chance of our finishing it by lunch or even a little after lunch ?

THE HONOURABLE MR. P. N. SAPRU: We may have to go on till 4 or 4.30 and then there will be the Third Reading.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (United Provinces Northern: Non-Muhammadan): I take it that this means that we shall have to finish the discussion on the Bill before the Adjournment Motion is taken up at 4 P.M.

THE HONOURABLE THE CHAIRMAN (The Honourable Sir David Devadoss): Would the Second and Third Readings completely finish before 4 P.M. ? I understand there is anxiety to close the proceedings today.

THE HONOURABLE MR. P. N. SAPRU: There is anxiety on our part also to close the proceedings today.

THE HONOURABLE THE CHAIRMAN: Then we shall see how we get along. We shall take up the amendments now. Amendment No. 41.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa: Muhammadan Sir, I rise to move :—

"That in clause 16 of the Bill, in clause (I) of Statute 5 in the proposed Schedule—

(i) to sub-clause (ii) the following words be added, namely :—

'including the Principal of Jamia Millia, Okhla, Delhi'; and

(ii) after sub-clause (iv) the following be inserted, and the subsequent sub-clause be re-numbered accordingly, namely :—

'(v) the Secretary, All-India Anjuman-i-Taraqqi-e-Urdu, Delhi'."

Sir, this is a very simple amendment. We wish to bring in two very capable persons in the Academic Council of the Delhi University. Therefore I move this amendment.

THE HONOURABLE MR. J. D. TYSON (Education, Health and Lands Secretary): Sir, this seeks, as my Honourable friend said, to add two persons *ex-officio* to the Academic Council. What I said yesterday on the general point covers this amendment also. There is the further difficulty that I do not think we can really add to the *ex-officio* members of the Academic Council of the University the principal of a college which is not affiliated to the University. I do not know how we can have among the principals of the colleges of the University a principal of a college which is not a college of the University. I am afraid I must oppose the amendment.

THE HONOURABLE MR. HOSSAIN IMAM: Would the Honourable Member be prepared to recommend the inclusion in the University of a college which imparts education in the local language ?

THE HONOURABLE MR. J. D. TYSON : I am afraid I do not quite follow.

THE HONOURABLE MR. HOSSAIN IMAM : The difficulty is that the Jamia-Millia imparts education up to the highest degree in the language of the country, and therefore it cannot technically become a member of the University. Otherwise I think there might be a possibility of making them join, if the Government is prepared to make this concession.

THE HONOURABLE MR. J. D. TYSON : I am not unsympathetic to the idea, but I think that is essentially a matter for the University—I mean the matter of the medium of instruction.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Sir, this principle has not been accepted in the case of any other university. The institutions under a university are not the only institutions in a province. There may be some excellent institutions in a province which are outside the control or jurisdiction of the provincial university. These institutions cannot, because of their excellence, ask for representation on the academic council of the university which is meant to provide representation for the teachers of the university.

Question put and amendment negatived.

THE HONOURABLE MR. P. N. SAPRU : Sir, in view of your ruling that negative amendments cannot be moved, I take it that my amendment No. 42 is out of order, and I will move my amendment No. 43.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : But, Sir, in the Statutes, you did allow the omission of certain items. You certainly allowed an amendment to delete certain items from the Statutes. For instance, my Honourable friend Mr. Kalikar proposed the deletion of an item relating to the constitution of the Court, and that was allowed. My Honourable friend Mr. Sapru does not propose, in his amendment No. 42, to omit a complete Statute, but only a certain item in it. So far as I know, no objection has been taken to such a procedure.

THE HONOURABLE THE CHAIRMAN : I will allow that amendment to be moved, because it refers only to a small portion of the Statute.

THE HONOURABLE MR. SHAVAX A. LAL (Nominated Official) : There is no objection to the admission of the amendment, because the Motion before the House is that clause 16 do stand part of the Bill, and the amendment is not a negative of that Motion.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Besides, amendment No. 43 would become meaningless unless amendment No. 42 was allowed to be moved.

THE HONOURABLE THE CHAIRMAN : I allow amendment No. 42 to be moved.

THE HONOURABLE MR. P. N. SAPRU : Sir, I move :—

“That in clause 16 of the Bill, sub-clause (v) of clause (1) of Statute 5 in the proposed Schedule be omitted”.

Sir, sub-clause (v) reads :—

“Persons, if any, not exceeding three in number and not being teachers, appointed by the Chancellor on account of their possessing expert knowledge in such subjects of study as may be selected by the *ex-officio* members of the Academic Council”.

I want to move this Motion because, as my next amendment will show, I want six persons to be selected by the Court instead of by the Chancellor, and I further want that three of them should be men connected with Islamic culture and the remaining three should be men connected with Hindu learning and culture. I may point out that in some other universities the non-teachers who go to the Academic Council are elected by the Court. For example, in the University of Allahabad, there are five representatives of the Court on the Academic Council ; all of them are elected by the Court, and they must be non-teachers. There is no nominated element at all on the Academic Council. There is no necessity for a nominated element on that body. The Academic Council is not concerned with administrative questions ; it is concerned with academic questions. The non-teaching element should be represented by elected representatives on the Court. In order that both Islamic culture and Hindu culture might have proper representation, I have provided that three of the persons elected should be experts in Islamic culture and civilisation and three of the other persons should be experts in Hindu culture and civilisation. I have nothing further to say on this amendment.

THE HONOURABLE MR. JOHN SARGENT (Nominated Official) : Sir, I think this is really a harmless and in some ways a rather useful Statute. It is an old Statute ; it appeared in the Schedule to the original Act, and it appears, as you will see, in the Lucknow and Dacca University Acts, on which the original Delhi Statutes were framed. It is perhaps a little invidious that I should defend this particular section, as I myself happen to be one of the nominees under this particular clause. But I would point out that it is useful in enabling the Chancellor to supplement the membership of the Academic Council in accordance perhaps with new developments that may take place in regard to a teaching university. For instance, my colleague the Director General of the Indian Medical Service is one of the nominees under this clause, and I imagine his views will be of the greatest use to the University when as they will very shortly be, they will be considering the institution of a medical faculty. Otherwise, apart from this, unless the Court happened to select a doctor, we should have had no expert advice in connection with this new development. I think that for the purpose of providing expert advice in connection with subjects not already provided in the University and therefore not represented on the Academic Council this is a useful provision. I am afraid we cannot accept this amendment.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Sir, I should like to ask how Government justify the omission of representatives of Hindu learning and culture. It is clear, Sir, that this City is an important one from the point of view both of Hindus and Mussalmans. It is necessary, therefore, that in any University that is established here, representatives of both Hindu and Muslim learning and culture should find a place. I do not object to the inclusion of representatives of Muslim learning and culture but I object to the exclusion of similar Hindu representatives. After all, in ancient Hindu times, Delhi occupied a very important place. It was one of the most glorious cities of the Hindus. Here, several Hindu empires rose and fell. It has been known in Indian history as the city of the Empire of the Pandavas and Kurus. What justification then can there be for the exclusion of representatives of Hindu culture and learning from the Delhi University ? I think that something more than what the Honourable Mr. Sargent has said is needed to justify their exclusion. I hope that Government will yet reconsider their position. If they do not want to reduce the number of Muslim representatives, that number may be maintained. But an equal number of representatives of Hindu learning and culture should be included in the Academic Council. I realise that the Academic Council will become a very large body, but the Academic Council is not in any University a small body and the inclusion of five more people will not make it unwieldy. My Honourable friend Mr. Sapru pointed out that the Allahabad University Act allows the Court to elect five representatives to the Academic Council. Here only two persons are to be elected by the Court. I think, therefore, that our request for the inclusion of representatives of Hindu learning and culture perfectly legitimate and that the Government cannot justifiably oppose it.

THE HONOURABLE MR. HOSSAIN IMAM : Sir, I had no wish to intervene in the debate on this amendment, but I have to do so for certain reasons. I am first of all grateful to find that both the Honourable Dr. Kunzru and the Honourable Mr. Sapru have conceded equality of interests to the Muslim and Hindu nations. I welcome this change in the mentality of my Honourable friends. Secondly, Sir, I should like to point out that the fact that Hindu representatives of learning and culture were not included in the Academic Council separately is due to the fact that out of some 33 members of the Academic Council, there are only four Muslims and two other non-Hindus—Christians, i.e. 29 are Hindus.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : The question is whether there are representatives of Hindu learning and culture or not.

THE HONOURABLE MR. HOSSAIN IMAM : We have got a Mahamahopadhyaya also other very learned gentlemen. Sanskrit scholars are in abundance on this Academic Council. I do not think there has been any intention to deprive my friends of their legitimate place. One cannot shut one's eyes to the present condition. The sister nation is more than adequately represented and therefore it was felt that only those who are less represented should be provided for. Here, Sir, I should like to draw the attention of both the Honourable Members to the fact that when my amendment No. 41 was opposed, it was stated that it is not usual to have teachers of other places than the affiliated colleges on the Academic Council.

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But here we have got the power of the Vice-Chancellor to nominate people both under section 5 and under section 6 in which non-teachers of the University will be taken and are being taken for a long time. Therefore, I hope that although the Government were unable to accept my amendment, they will keep in view the desirability of including the two gentlemen whom I named in my amendment No. 41 in the list of people to be provided by the Chancellor either under section 5 or under section 6.

THE HONOURABLE MR. J. D. TYSON : Sir, I should like to make it clear that my Honourable friend the Educational Adviser was devoting his remarks to what we understood was the Motion before the House, namely, that amendment No. 42 be adopted. I apprehend that amendment No. 43, with due respect, has not been put to the House—

THE HONOURABLE MR. P. N. SAPRU : With your permission, Sir, I move both 42 and 43.

THE HONOURABLE THE CHAIRMAN : I did not call upon you to move No. 43. Do you want to have No. 43 also taken up ?

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : It has been discussed. Both No. 42 and No. 43 have been discussed together.

THE HONOURABLE THE CHAIRMAN : Very well, let No. 43 also be discussed.

THE HONOURABLE MR. J. D. TYSON : My Honourable friend Dr. Kunzru has also referred to No. 45. I do not know whether we are discussing that as well.

THE HONOURABLE MR. P. N. SAPRU : I have not discussed No. 45 yet.

THE HONOURABLE MR. J. D. TYSON : If I may supplement what has fallen from my Honourable friend the Educational Adviser, I would say with respect to No. 43 that this was an addition in another place. It was originally put up in a form that we could not accept but it was subsequently altered so as not to bear a communal form or to exclude the possibility of other people than Mussalmans coming in, and we accepted it there on that basis. We accepted it because we are informed and we thought, looking at the membership, that it was a fact that those interested in Islamic culture were not very well represented in the Academic Council as it then stood. But we were not setting out to enrich the Academic Council from every point of view. That was not our purpose. We had the minorities in view, one minority in particular in this instance. We wished to see the culture which it represented having a bigger voice in the Academic Council and so we accepted the amendment which is not communally phrased. It was, as a matter of fact, represented to us—and I think it is right to say—that Hindu culture is fully represented already in the Academic Council. There is, for example, Mahamahopadhyaya Pandit Lakshmi Dhar. He is, I understand, a Shastri and a Sanskrit authority. I do not myself have any objection to the principle underlying amendment No. 43, but it is certainly open to the University to make a change in the Academic Council on the lines of amendment No. 43. But, Sir, we do not wish to go back on the amendment that we accepted in another place and I would ask that these two amendments, Nos. 42 and 43, be not pressed. We will pass on, if so desired, the relevant passage from the debate in this Honourable House to the University and let them consider it.

Questions put and amendments Nos. 42 and 43 were negatived.

(Amendment No. 44 was not moved.)

THE HONOURABLE THE CHAIRMAN : Amendment No. 45.

THE HONOURABLE MR. P. N. SAPRU : Sir, I move :—

“ That in clause 16 of the Bill, in sub-clause (vii) of clause (1) of Statute 5 in the proposed Schedule—

(i) For the word ‘ two ’ the word ‘ five ’ be substituted ; and

(ii) After the word ‘ Court ’ the word ‘ at least two of whom shall be persons not engaged in teaching ’ be inserted ”.

Sir, my main reason for moving this amendment is that the representation of the Court on the Academic Council appears to be very small. A body of about 150 persons or so will have only two representatives on the Academic Council. There should be greater association of the Court with the Academic Council. In the Court there are certain to be some men of academic distinction who can be of utility to the Academic Council. The Honourable Mr. Tyson in answering the position that

I had taken up in a previous amendment said that Hindu culture was already represented on the Academic Council. It may be that an overwhelming majority of the members of the Academic Council are Hindus, but a Hindu teacher of mathematics is not a representative of Hindu culture. A Hindu teacher of physics or a Hindu teacher of botany or zoology is not a representative of Hindu culture and civilisation. What I had in mind in moving the previous amendment was that oriental studies should be properly represented in the Academic Council. If the number is increased from two to five it may become possible for this object of mine to be materialised. The Court may well say that we must have representatives of oriental learning not engaged in teaching on the Academic Council. It may become possible for experts in Indian languages like Hindi and Urdu also to be represented on the Academic Council. It will provide the Academic Council with an opportunity of having the expert knowledge which is available in the Court serving on the Academic Council.

With these words, Sir, I move.

THE HONOURABLE MR. JOHN SARGENT: Sir, it was not hitherto thought necessary to provide separate representation for the Court on the Academic Council, because a large number of the members of the Academic Council are also members of the Court and I think their experience will reasonably cover all existing subjects of learning. In the other place the view was expressed that the Court might usefully have some representation on the Academic Council possibly to represent non-teaching views in that Council, though of course the Council is primarily the teaching body of the University. Accordingly we accepted an amendment which introduced these two members on the Court. At the same time it was not certainly pressed there that there was any necessity for the representation to be large and in view of the fact that the Academic Council is a large body the addition was limited to two members. I do not say that five would render the body unwieldy but I think there are already something like 27 or 28 members on both bodies. I think the number two is quite sufficient to represent interests which are non-academic in their character. I do not think this amendment is necessary and I cannot accept it.

Question put and amendment negatived.

THE HONOURABLE THE CHAIRMAN: Amendment No. 46.

THE HONOURABLE MR. HOSSAIN IMAM: Mr. Chairman, I move:—

“ That in clause 16 of the Bill, to clause (2) of Statute 5 in the proposed Schedule, the following be added at the end:—

‘ At least half of whom shall be Muslims ’ ”.

Sir, this particular clause refers to the provision in the Bill that “ the Academic Council as constituted under sub-clause (1) shall co-opt as members, teachers of the University not exceeding one-tenth of its numbers as so constituted ”. I particularly bring in the representation of Muslims to draw attention to the paucity of recognised teachers in the University. Among the teachers of the University the number is very unsatisfactory. There are seven appointed readers out of which none is a Muslim. The recognised teachers number 19 out of whom there are only four Muslims. There are three lecturers out of whom one is a Muslim, so that we have got only five in a total number of 24. This shows how small is our representation. The Academic Council is responsible for the forming of the Faculties and in the Faculties also our representation is very small. Even in Arts our representation is four out of 25. I am talking of Delhi University. In the Faculty of Science there is not much difference—three out of 24. In the Faculty of Law—and my Honourable friend will bear me out that there is no dearth of Muslims—there are two out of 14. In the Committee of Courses and Studies in the Faculty of Arts, there is no Muslim in seven Committees of Courses, English, Mathematics, Philosophy, Sanskrit and Hindi, Commerce and Geography, Punjabi and Bengali. We have representation only in Arabic, Persian and Urdu, six out of seven. We have just a small representation of two out of five in History and one out of six in Economics. All these things show how little consideration the Academic Council has given to Muslim questions. It will be a surprising thing for any one not connected with the Delhi University to learn that whereas a province with such a predominant Hindu population as Bihar, where there are 88 or 89 per cent. Hindus and 11 or 12 per cent. Muslims has got M.A. in Urdu and Honours in Urdu, this University, under the aegis of the Government of India and in the centre the cradle of Urdu—far as I can

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make out from the Calendar of 1939—up till that time had neither M.A. in Urdu nor Honours in Urdu and for that matter neither in Hindi. This University is proposed to be a pattern and a model for all neglects the language of the country so much and yet gets all the help and funds from the Government. All these things happen, Sir, because of the meagre representation of Muslims in the Academic Council. Co-option is one last method by which we can get in people. They will elect a man of eminence and learning. Therefore, there is no harm in making provision that half of these should be reserved for Muslims. Therefore, I move this amendment.

THE HONOURABLE MR. J. D. TYSON: Sir, I am a little surprised that this should be pressed so hard in this Honourable House in view of the fact that we had already in another place accepted an amendment adding five persons capable of advising the Academic Council on subjects connected with Islamic learning and culture: so that as there are already five persons—according to my reckoning there are already six Muslims out of 45 but if my Honourable friend says five I do not dispute the figure—

THE HONOURABLE MR. HOSSAIN IMAM: I was speaking from an old Calendar.

THE HONOURABLE MR. J. D. TYSON: Well, I do not dispute my Honourable friend's figure but we have doubled it at one sweep for that is the effect of sub-clause (vi) which was adopted in another place and which still stands. Apart from that, Sir, the present amendment, I am afraid, is one of those which, as I have already said in general, I would be unable to accept, and I must oppose it.

Question put and amendment negatived.

THE HONOURABLE THE CHAIRMAN: Amendment No. 47.

THE HONOURABLE MR. HOSSAIN IMAM: Sir, I rise to move:—

“That in clause 16 of the Bill, in clause (c) of Statute 6 in the proposed Schedule, after the word ‘examiners’ the words ‘amongst whom shall be included an adequate number of Muslims’ be inserted”.

This, Sir, is an amendment in the powers of the Academic Council. I had on a previous occasion also moved an amendment asking for inclusion of Muslims among the examiners. It was, Sir, amendment No. 39 when we are discussing the powers of the Executive Council. Here, Sir, we are discussing the powers of the Academic Council. I have brought in this amendment simply to keep the consistency. The reasons have already been advanced and I do not like to repeat them.

THE HONOURABLE MR. JOHN SARGENT: I am afraid I must oppose this. I referred to the same proposition late last evening and while I say that we are sympathetic that Muslims should have their fair share of examiners, I am satisfied that if you admit such a proposal particularly in the matter of examinations it might give rise to misconceptions which would be undoubtedly not in the interest of the University.

Question put and amendment negatived.

THE HONOURABLE THE CHAIRMAN: Amendment No. 48.

THE HONOURABLE MR. HOSSAIN IMAM: Sir, I rise to move:—

“That in clause 16 of the Bill in clause (d) of Statute 6 in the proposed Schedule, after the words ‘Library Committee’ the words ‘with an adequate number of Muslims in it’ be inserted”.

My complaint, Sir, is that at the moment we have got very meagre representation in the Library Committee of the University. This has been brought about, Sir, by two things acting in consonance. One was the meagre representation of the Muslims in the authorities of the University and, secondly, I will admit, Sir, that we also did not make any howl against this disregard of our interests. The Committee consists, Sir, of 15 members out of whom there is a solitary Muslim. I think we will have to admit that there is something rotten in the University constitution which allows such things to happen, for in a Committee so inoffensive as the Library Committee out of 15 members there is only one Muslim. Well, all this thing, Sir, is due to the fact that Muslims were not in the habit of agitating. I take the blame on my own shoulders that we never enquired into these things, although we came here and stayed for long stretches of time in Delhi and as a representative of the people I regard it as my duty to see that the Government institutions or institutions prospering under the aegis of the Government of India our share and representation is

adequately had. I, therefore, Sir, move this amendment with the hope that the Government will do something in the matter.

THE HONOURABLE MR. J. D. TYSON : Sir, I am afraid I must oppose the amendment. It is quite true that the members of the Library Committee seem at the moment to include only one Muslim, apparently there is only one Muslim amongst the heads of departments who are the members of the Library Committee and if that is so, Sir, I do not know how practical effect could be given to the proposed amendment. Honourable Members who have the Calendar before them will see that there is a chairman, who is the honorary librarian, the head of the Department of English, and then the membership is apparently confined to heads of departments 12 in number and two persons elected by the Academic Council. I would mention, Sir, that the office of the Librarian itself was held for 14 years by three successive gentlemen who were Muslims. From 1923 to 1937 the Librarian was a Muslim. Three successive Muslim gentlemen held it. Sir, as I see it there are practical difficulties in giving effect to the amendment which also comes, I am afraid, within the mischief of the general principle that I am trying to adhere to in this Bill, and I must oppose the amendment.

Question put and amendment negatived.

THE HONOURABLE THE CHAIRMAN : Amendment No. 49.

THE HONOURABLE MR. HOSSAIN IMAM : Sir, I rise to move :—

"That in clause 16 of the Bill, to clause (h) of Statute 6 in the proposed Schedule the following proviso be added :—

'Provided that Muslim Colleges and Halls shall be inspected by Muslims appointed for the purpose'."

Sir, this refers to the provision for the inspection of Colleges and Halls in respect of the instruction and discipline therein, and to submission of reports thereon to the Executive Council. The reason why this amendment is moved, Sir, is not to have any sort of special pleading or to put a blind eye on inefficiency, but only to guard that efficiency will not be made a garb of harming the Muslim interests. What we provide is that it would create greater satisfaction if we had a provision that people sympathetic to the college should inspect it and try to remedy the defects. After all the defect in a college does not end then and there. It affects the results of the examination and no college can remain inefficient and at the same time have good university results. The desire of all educational institutions is to have better and better results in the examinations. Therefore, Sir, it is not quite proper for the Government to be apprehensive that if this amendment is carried the colleges will deteriorate because it is not only in the Government's interests, it is in the interests of the college itself, of the boys and of the management committee to have the college inspections and management properly improved. Therefore, Sir, I commend this amendment for acceptance.

THE HONOURABLE MR. JOHN SARGENT : Sir, apart from the general considerations which my Honourable friend Mr. Tyson has urged, I think there are particular reasons why this amendment is not desirable. In the first place, whatever and however good the intentions may be, it seems to me that if there was a special inspection committee for a Muslim college, we should have to have a special inspection committee for a Christian college, and we should also have to have a special inspection committee for a Hindu college, and so on. As I said, however well-intentioned those committees might be, such an inspection can only in the end, I think, lead to a competition in generosity.

There is also another reason. If the inspection is to have any particular value, I think it is quite certain that the same body ought to inspect all the colleges; otherwise it would not be possible to have any standard of comparison.

If it will in any way relieve the apprehensions of the Mover of this amendment, I might mention that it is the practice in the University, I believe, which goes back some time, to have a representative body for this inspection. The last body on which I served consisted of Hindu and Muslim gentlemen, and it has been usual to invite the occupier of my own post to be a member of this committee. I know this has been the practice of the University; and if so, I think it is a fair one.

THE HONOURABLE MR. HOSSAIN IMAM : If that is the practice, I will not press the amendment.

The amendment was, by leave of the Council, withdrawn.

THE HONOURABLE THE CHAIRMAN : Amendment No. 50.

THE HONOURABLE MR. HOSSAIN IMAM : Sir, I move :—

“ That in clause 16 of the Bill, to sub-clause (ii) of clause (I) of Statute 7, in the proposed Schedule the following proviso be added :—

‘ Provided that at least one-third of such teachers shall be Muslims ’.”

This refers to the Faculties. Sub-clause (ii) refers to “ such teachers of subjects assigned to the Faculty as may be appointed to the Faculty by the Academic Council ”. I have therefore restricted my demand to one-third in the hope that Muslims will be adequately represented. Now there is to be reorganisation of the University, and new and better staff has to be recruited, because some of the present staff will have to be seconded to the higher schools : at least I hope that they will do something of that kind ; otherwise school teaching will not be up to the mark. I therefore move this amendment proposing that provision should be made that Muslims should be adequately represented. I use the word “ one-third ”. But if Government is prepared to accept “ adequate ”, I will amend my amendment accordingly and make it acceptable to Government.

THE HONOURABLE THE CHAIRMAN : You cannot amend it at this stage.

THE HONOURABLE MR. HOSSAIN IMAM : I know that, Sir.

THE HONOURABLE MR. JOHN SARGENT : Again I am sorry to be intransigent in these matters, Sir, but apart from the general objection which has been urged there is a particular difficulty in regard to these questions of Faculties—the difficulty which has already been referred to—and that is the practical difficulty of the present shortage of Muslim teachers competent and qualified in the University to operate on these bodies. If, as we hope, the number of qualified teachers belonging to the Muslim and other communities in all Faculties and all departments of the University increases, then I am sure they will receive adequate representation, and it is my earnest intention that they should. But at the moment I am afraid a recommendation in terms of this amendment would just be inoperative.

Question put and amendment negatived.

THE HONOURABLE THE CHAIRMAN : Amendment No. 51.

THE HONOURABLE MR. HOSSAIN IMAM : Sir, I move :—

“ That in clause 16 of the Bill, to sub-clause (iii) of clause (I) of Statute 7 in the proposed Schedule, the following proviso be added :—

‘ Provided that at least one-third of such teachers shall be Muslims ’.”

This does not refer to any particular branch of teachers who have any important bearing on these subjects, and therefore the choice is wider and will not be restricted to the special committees.

THE HONOURABLE MR. JOHN SARGENT : My objection to this particular amendment is the same which I voiced to the last one.

Question put and amendment negatived.

THE HONOURABLE THE CHAIRMAN : Amendment No. 52.

THE HONOURABLE MR. HOSSAIN IMAM : Sir, I move :—

“ That in clause 16 of the Bill, in sub-clause (iv) of clause (I) of Statute 7 in the proposed Schedule after the word ‘ persons ’ the words ‘ at least half of whom shall be Muslims ’ be inserted ”.

Sub-clause (iv) refers to “ such other persons as may be appointed to the Faculty by the Academic Council on account of their possessing expert knowledge in a subject or subjects assigned to the Faculty ”. That, Sir, offers a very wide choice, and the dearth of University teachers does not stand in the way of Government accepting this amendment.

THE HONOURABLE MR. JOHN SARGENT : I still think, Sir, that members of the Faculty must be connected with the University, otherwise it would be very awkward, and it would be very difficult for the Faculty to carry on its functions. I must therefore oppose the amendment.

Question put and amendment negatived.

THE HONOURABLE THE CHAIRMAN : Amendment No. 53.

THE HONOURABLE MR. HOSSAIN IMAM : Sir, I move :—

“ That in clause 16 of the Bill to clause (a) of Statute 8 in the proposed Schedule, the following be added at the end :—

‘ At least one-third of whose members shall be Muslims ’.”

This refers to the powers of the Faculties to constitute Committees of Courses and Studies. It has already been pointed out that this Committee of Courses and Studies is a department in which we find that the meagre representation of Muslims has cost us dear. I therefore hope that my amendment will commend itself to the Government. The Committee is of such great importance that the whole educational system depends really on the work of this body, and to have no representation in such an important body is very troublesome for us, with the result that many of our boys are forced to go away from Delhi to other universities.

THE HONOURABLE MR. JOHN SARGENT : Sir, I am afraid here again the same difficulty arises. The members of this Committee of Courses and Studies must be members of the Faculties and belong to the University, and until we are fortunate enough to obtain sufficient quantities of Muslim teachers to make such a recommendation as this practicable, it would be simply inoperative and make the appointment of the Committee of Courses impossible.

Question put and amendment negatived.

THE HONOURABLE THE CHAIRMAN : Amendment No. 54.

THE HONOURABLE MR. HOSSAIN IMAM : Sir, after Statute 8, we come to Statute 13. In between, I have left out the Board of Co-ordination, the Dean, the Warden, and the attachment to colleges and Halls. In all these places I have been modest enough not to demand a share. I hope my modesty will not stand in the way of Government—

THE HONOURABLE THE CHAIRMAN : The Honourable Member had better confine himself to his amendment.

THE HONOURABLE MR. HOSSAIN IMAM : I refer to this non-communal amendment of mine. I oppose Statute 13. Statute 13 refers to withdrawal of degrees and diplomas :—

“ The Court may, on the recommendation of the Executive Council, by a resolution passed with the concurrence of not less than two-thirds of the members voting, withdraw any degree or diploma conferred by the University ”.

I admit that adequate safeguards have been provided, but I cannot understand how an eventuality of this nature will crop up, that a man will incur such displeasure of the University authorities as to be liable to have the whole white elephant—as Sir Ramunni Menon says—moving against him, and to have the whole executive, with a two-thirds majority, pass a decree against him for withdrawal of his degree. In this connection, I will invite the attention of the Educational Adviser to the Government of India to a fact which occurred in my province. For reasons into which I will not go, the Vice-Chancellor refused to sign the diploma of a student. I am not discussing the merits of the case ; I am stating the mere fact that the Vice-Chancellor refused to sign the diploma, and the man has not got his diploma. Is there any provision in this University by which the Vice-Chancellor can do the same thing, namely, refuse to sign a diploma, or is he bound by any Statute or Ordinance or

Regulation to sign a diploma when it is awarded as the result of an examination ? I do not wish in any way to question the action of the Vice-Chancellor of my own University who is a great personal friend of mine, and I am not making this statement as a reflection on the case. I bring it forward just as an instance to find out if students are protected in the Delhi University. I oppose Statute No. 13.

THE HONOURABLE MR. P. N. SAPRU : Sir, I am sorry that I am unable to agree with my friend the Honourable Mr. Hossain Imam. A University degree carries with it certain moral obligations. A University man is supposed to carry with him in the world outside the characteristics of a good man. If he is guilty of any offence involving moral turpitude—I am not thinking of political offences, but if he is guilty of any offence involving moral turpitude—or if he has done anything in life which is disgraceful or morally reprehensible, then he has lowered the status and dignity of the University and the Court should have the power of withdrawing the degree that it conferred upon him. The Honourable Mr. Hossain Imam knows that when a Convocation is held, the last words that the Chancellor addresses for the recipient of a degree are : “ And you shall be worthy of the same ”. The degree is given on that condition and therefore the Court must have the power of withdrawing that

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degree if the man has misbehaved. In the Allahabad University we had a case of a Provincial Service officer, a man from the Central Provinces, who was convicted of bribery and I think embezzlement of Government funds. The Court was moved to withdraw his degree and it did actually withdraw the degree and I supported the withdrawal. We have provided ample safeguards here. It is not the Executive Council or the Chancellor or the Vice-Chancellor who will have the power of withdrawing degrees. It is the University Court which will have the power of withdrawing the degree and that too if it can secure a two-thirds majority. I am strongly for the retention of this clause.

THE HONOURABLE MR. J. D. TYSON : Sir, my task has been lightened by the intervention of my Honourable friend Mr. Sapru. We feel that there must be a provision of this kind in the Statutes——

THE HONOURABLE MR. HOSSAIN IMAM : Has any University ever used this power ?

THE HONOURABLE MR. J. D. TYSON : I was coming to that, Sir. We feel that there must be a provision of this kind, for ultimate use, in the Statutes. I believe it is quite common in the Statutes of Indian universities. We recognise that it is somewhat drastic to take away, for something done after a person has perhaps severed his active connection with the University, a degree won by meritorious work at the University. But, Sir, I entirely agree, if I may say so, with what the last speaker said that the graduate of any university owes it to his *alma mater* to lead a proper life and bring credit to the University and that if he does some really disgraceful thing which brings opprobrium on himself and on his university, the university is entitled to take his degree away from him. I want in this connection to cite one or two analogies which go, in my opinion, much further than this. It is within the knowledge of every one in this Honourable House that barristers who are guilty of disgraceful professional conduct are disbarred : that is worse, because it takes away their means of livelihood.

THE HONOURABLE THE CHAIRMAN : The Inns of Court may score out their names.

THE HONOURABLE MR. P. N. SAPRU : The Advocates can be debarred by the High Court.

THE HONOURABLE MR. J. D. TYSON : There are also doctors who are deprived of their recognition by the Medical Council and they are no longer able lawfully to practise. I do not know, Sir, whether this power has really been used, but I am glad that my Honourable friend asked me that question. This was one of the original powers. It is in the first Statutes of the University and we have never heard of a case in which it has been misused or abused. I would only like to quote one other analogy. It is only an analogy. It is not unheard of that officers and soldiers who have won decorations in the field for gallantry, even including the Victoria Cross, if they are guilty afterwards of very disgraceful conduct, have taken away from them the decoration which was bestowed for gallantry in the field. It is taken away for disgraceful conduct in after life. I think, Sir, we must keep in a Statute which the has allowed to remain for 20 years and regarding which we have no suggestion that it University has been abused.

Question put and amendment negatived.

(Amendment No. 55 was not moved.)

THE HONOURABLE THE CHAIRMAN : Amendment No. 56.

*THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY : Sir, I beg to move :—

"That in clause 16 of the Bill, to Statute 15 in the proposed Schedule, the words 'and all graduates of three years standing or upwards of any other university in India incorporated by any law for the time being in force who reside or carry on business in the Province of Delhi' be added at the end."

Sir, this provision appeared in sub-clause (a) of original Statute No. 15, although its operation was only for a temporary period. People have to come to Delhi from

other provinces to earn their living and they have to send their children to the University of Delhi. I therefore submit that the clause as it stood in the original Statute should be retained and people from all provinces who come here and who are graduates of other universities should be allowed to have their names registered in the Register of Graduates of the Delhi University.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Sir, this amendment shows that my Honourable friend Mr. Kumarsankar Ray Chaudhury has not fully borne in mind the considerations on which representation is allowed to graduates on the Court of a University. The principle followed is that the old *alumni* of a university should be associated with it and should therefore have some say in its administration. On this principle it is desirable, indeed necessary that the graduates of a university should be provided with some means of giving expression to their opinions in a responsible and formal manner on the various bodies of the university. It has, however, to be borne in mind when a new university is started that some years will have to elapse before it can have a sufficient number of graduates. It is consequently allowed during the first few years of its existence to register graduates belonging to other universities but on whom formally a degree of the new university had been conferred. Take, for instance, the Lucknow University. When it was constituted it was allowed in view of the consideration that I have just referred to confer *ad eundem* degrees on graduates of certain universities living within its jurisdiction. But the Lucknow University I do not think is any longer in a position to do that. The Delhi University when established was in the same position as the Lucknow University at the time of its establishment. Consequently it was provided that graduates of other universities should be able to get themselves registered in the registered graduates' constituency, during a period of five years, the Delhi University conferring *ad eundem* degrees on them to enable them to register themselves as graduates of the University. The Delhi University was given this power for five years. That period having elapsed and the University having been in existence for 20 years it is not necessary that that provision should be retained and in my opinion it is quite proper that advantage should be taken of the amendment of the Delhi University Act to drop that provision.

It is said, however, that the position of Delhi is a special one. People belonging to all parts of India reside here. But this instead of being an argument in favour of the proposition that has been put forward tells heavily against it. If there is a large number of graduates belonging to other universities here, then it is obvious that if these graduates care to get themselves registered they will swamp the graduates of the Delhi University. My Honourable friend Mr. Kumarsankar Ray Chaudhury says that they must reside in Delhi. I thought his whole case was that a large number of graduates who had not graduated from the Delhi University resided in Delhi and that in consideration of the fact that Delhi was an Imperial city, these graduates should be allowed to enrol themselves in the graduates' constituency. If this is so, as my Honourable friend admits, my argument stands. If there is a large number of graduates of other universities here, it is quite possible that if they get themselves enrolled their number may be much greater than the number of registered graduates of the Delhi University or very nearly equal to it. I do not think that in principle an amendment should be accepted of which this will be the effect. The constituency to which my Honourable friend referred is the constituency of the graduates of the Delhi University. As a matter of grace graduates of other universities may temporarily be allowed to vote in that constituency if the University confers *ad eundem* degrees on them. But to erect this into a principle and say that as there is a large body of graduates belonging to other universities residing in Delhi the principle which we are discussing should be made permanent would be I think contrary to the view that has been taken and rightly taken in the case of other universities. I quite realise that it is rather hard on the graduates of other universities who are interested in the affairs of this University that they should have no means of placing their views before it. But this is not peculiar to graduates of other universities living in Delhi. The graduates of universities other than the Allahabad University who are living in Allahabad are in the same position. Calcutta is a much bigger city than Delhi. Does the Calcutta University in spite of the fact that it has got a large number of graduates of its own allow graduates not possessing its own degrees to

[Pandit Hirday Nath Kunzru.]

register themselves to an unlimited extent in the graduates' constituency ? Take again Bombay. Bombay too is a cosmopolitan city. But the Bombay University does not because of that now permit graduates of other universities to become voters in the registered graduates' constituency. I think, Sir, that in view of what I have said it is clear that the amendment moved by my Honourable friend Mr. Kumarsankar Ray Chaudhury is contrary to the principle underlying the formation of a registered graduates' constituency in a university and should not therefore be accepted.

THE HONOURABLE MR. HOSSAIN IMAM : I rise to support the amendment moved by my Honourable friend Mr. Kumarsankar Ray Chaudhury. Delhi has two or three things peculiar to itself which are not shared by other universities. In the first place many of the universities are examining bodies. Therefore the question of similarity does not arise.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Take the Lucknow, Allahabad and Dacca Universities.

THE HONOURABLE MR. HOSSAIN IMAM : These are the three somewhat comparable universities. But I feel that no university has such a small number of graduates coming out every year as the Delhi University has. Dacca has a far larger proportion. The peculiar thing about Delhi is that it is an Imperial city.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : If my Honourable friend does not mind my interrupting him, may I point out to him that the number of graduates registered in the registered graduates' constituency of the Allahabad University is not at present much larger than the number of graduates enrolled in the graduates' constituency in the Delhi University.

THE HONOURABLE MR. HOSSAIN IMAM : I am sorry to hear this. I had thought that Allahabad took greater interest in its University matters. It is sad to learn that all that glitters is not gold, that in spite of the fact that Allahabad had such an old University and is such a big city its number of graduates is so small. It shows a deplorable lack of interest in university matters and proves that university matters can become the privilege and prerogative of only a few interested people. Therefore, Sir, the example which has been set by Allahabad is not one which can very readily be acceptable. I for one, Sir,—in view of the fact that the Government is spending so much money on Delhi University—feel that the amendment of my Honourable friend Mr. Kumarsankar Ray Chaudhury is one which should receive sympathetic consideration from the Government. If it cannot be accepted as a permanent measure at least for a few years this power should have remained. I mean the Statute of the Delhi University which fixed a period of five years from 1922 should have laid down five years from this Act. That might have made, Sir, the position a little better. I am anxious to get as many educated people interested in the University as I can because I believe in democracy and widening the franchise and not in making it a pocket borough.

THE HONOURABLE MR. J. D. TYSON : Sir, if my sympathies had not been already engaged in favour of the view which he has enunciated I should have been won over to oppose this amendment by the weighty arguments so forcibly adduced by my Honourable friend Pandit Kunzru. Sir, I think that a provision of this kind is probably necessary as a transitory provision, to provide a new university with a body of registered graduates ; but I confess I regard it as valuable from that point of view only, and I think that there is everything to be said for allowing the University after the transitory period has been passed to build up its own corpus of registered graduates who have been brought up in its own traditions. At all events, Sir, I do not wish to prolong the debate on this debatable amendment for I feel it would be quite wrong in a matter of this kind for the Legislature to force this amendment upon the University. It is primarily a matter for the University itself to decide. Sir, I oppose the amendment.

THE HONOURABLE THE CHAIRMAN : Amendment moved :—

"That in clause 16 of the Bill, the Statute 15 in the proposed Schedule, the words 'and all graduates of three years standing or upwards of any other university in India incorporated by any law for the time being in force who reside or carry on business in the Province of Delhi' be added at the end."

Question put : the Council divided :

AYES—3.

Hossain Imam, Hon. Mr.
Padshah Sahib Bahadur, Hon. Saiyed Moha-
med.

Ray Chaudhury, Hon. Mr. Kumarsankar.

NOES—21.

Bozman, Hon. Mr. G. S.
Charanjit Singh, Hon. Raja.
Conran-Smith, Hon. Mr. E.
Ghosal, Hon. Sir Josna.
Hydari, Hon. Mr. M. S. A.
Jogendra Singh, Hon. Sir.
Jones, Hon. Mr. C. E.
Khurshid Ali Khan, Hon. Nawabzada.
Kunzru, Hon. Pandit Hirday Nath.
Lal, Hon. Mr. Shavax A.
Mahomed Usman, Hon. Sir.

Menon, Hon. Sir Ramunni.
Mitra, Hon. Mr. D. N.
Mukherjee, Hon. Sir Satya Charan.
Pillai, Hon. Mr. N. R.
Ray, Hon. Mr. S. N.
Roy, Hon. Sir Satyendra Nath.
Sapru, Hon. Mr. P. N.
Sargent, Hon. Mr. John.
Sobha Singh, Hon. Sardar Bahadur.
Tyson, Hon. Mr. J. D.

The motion was negatived.

THE HONOURABLE THE CHAIRMAN : Amendment No. 57.

THE HONOURABLE MR. HOSSAIN IMAM : Sir, I move :—

"That in clause 16 of the Bill, in item (i) of Statute 16 in the proposed Schedule, after the word 'Proctors' the words 'at least one of whom shall be a Muslim' be inserted."

Sir, I do not think at this late stage it would be proper for me to make a long speech. This is self-evident truth.

THE HONOURABLE MR. J. D. TYSON : Sir, hitherto there has been one Proctor in the University to assist the Vice-Chancellor in the maintenance of discipline. In the Bill which is before this Honourable House, we have raised the number to two, but I should like to say that the practice in the past has been that the colleges in turn have been invited to nominate the Proctor. It does so happen that the Anglo-Arabic College, through which alone perhaps we might expect to get a Muslim Proctor, has not so far availed itself of the invitation. I think that is perhaps due in part to the fact that at the time when its turn came the principalship of the college was vacant, and, by a convention which strikes me as somewhat curious, the practice in the past has been for a college to nominate its principal as the Proctor. I hope that when they fill the post of principal of that college permanently, they will have the invitation extended to them again and that they will accept it. The fact that there are going to be two Proctors should not in any way interfere with having them from the different colleges in rotation. I think, therefore, that apart from its being against the line that I have had to take right through, it is unnecessary on the merits to adopt this amendment. I oppose it.

Question put and amendment negatived.

THE HONOURABLE THE CHAIRMAN : Amendment No. 58.

THE HONOURABLE MR. HOSSAIN IMAM : Sir, I move :—

"That in clause 16 of the Bill, after Statute 16 in the proposed Schedule the following be inserted :—

'17. (a) There shall be a Muslim Advisory Board consisting of seven members to advise the University on matters affecting the interests of Muslim education.

(b) The seven members of the Board shall be elected by the Muslim members of the Court and they shall hold office for three years. The Board shall elect its own Chairman.

(c) The Board shall have right to address any authority or any officer of the University on matters affecting the educational interests of Muslims."

Sir, this harmless amendment, in which no power was proposed to be taken away from any authority of the University and no power was proposed to be given to this nominally grand body, was rejected by the Government of India—I do not know for what reasons. The fact that it is a part of the Dacca University Act, should have

[Mr. Hossain Imam.]

been sufficient for this Government, which believes in precedents and which has a special reverence for its past actions. Even that fact failed to induce them to accept this body. Further, I was told by my Honourable friend Mr. Sapru that in the Allahabad University too there is a Muslim Advisory Board. (*Interruption.*) You referred to it in your speech. We do not give it any power either to interfere with the Executive Council or in any other way to influence the Academic Council because it has no executive power to do anything for my benefit. The only power which was proposed to be given to it was to address the University. What is the sense in Government preventing the University even hearing what that body has to say? Are they going to close down all newspapers, and are they going to prevent all public speeches? What do they propose to do? What special mischief could this body have done? In all fairness, knowing that the condition of the University is not good as far as Muslim representation is concerned, knowing that Muslims have many grievances about the University, the least possible concession which the Government could have made was to have accepted this amendment.

I cannot understand the attitude of Government, which can over-ride University opinion on the most important questions but which in such small matters cannot do anything without consulting the University. There must be some special reason for rejecting this amendment. I am anxious to find out from the Honourable Member what that special reason is, because he has accepted, as he himself has stated, many of the amendments of a *quasi-communal* nature, whereas this particular amendment was almost of a non-communal nature. What I have proposed is an advisory body of Muslims. I have no objection to a corresponding Hindu body. There may be one for Christians also. This body possesses no power, as I said. It has simply the right of writing letters to the University authorities—a right which every individual citizen of Delhi has also got. The only fact which made us suggest this body was that the opinion of such a body would carry some weight with the University, and it was expected that an opinion coming from a representative body like this would be sometimes heeded by the University. Is the Government so much afraid that the small minority of Muslims in the Court would all at once become so powerful that the whole majority which consists of the sister nation would be wiped out, and that the opinion of the minority would have a sway over the affairs of the University and would queer the pitch of university education? What is the idea of rejecting this amendment? Is it petulance which led them to take up this attitude? Or is it prestige which has stood in the way of Government? I am waiting to hear what falls from the Honourable the Educational Adviser or the Education Secretary as to the special circumstances under which it was rejected, and I will modify my opinion if I am satisfied. But as far as I am able to understand from the discussion in the other House, no valid reason has been advanced by the Government for refusing this amendment. Therefore, I commend it to the acceptance of the House.

THE HONOURABLE MR. JOHN SARGENT : Sir, I hope my Honourable friend will not suspect me of lack of respect for precedents if I try to deal with this amendment strictly on its merits. He proposes to set up an advisory body—presumably, from the method of its selection, consisting of Muslim members—to advise the University in regard to matters affecting the interests of Muslim education. My Honourable friend has admitted that the setting up of such a body would probably mean the setting up of other bodies to advise the University on aspects concerning other particular interests.

Now, Sir, Muslim education, I imagine, will probably cover two main features. One is the subjects of special interest to the Muslim community, and, secondly, the interests of Muslim students and teachers. With regard to the first, I think we have already provided a much more effective way for the Muslim community to make their wishes known in regard to those subjects of learning to which their community attaches particular importance, by adding no less than five members to the body of the University which actually deals with these matters. Surely that is a much more effective method of voicing their views than to have an advisory committee which, while it may address all officers and committees of the university, is not necessarily

assured of a sympathetic hearing if it does so. What we have provided seems to me to be a more direct and more effective method.

With regard to the question of dealing with matters affecting the welfare of Muslim teachers and students, I would remind this House that there is a Muslim college in the University and that its principal, who is presumably directly interested in all matters of that kind, is *ex-officio* a member of all the committees of the University, and that even if the other Muslim members of those committees are not fully *au fait* with matters affecting the welfare of students and teachers, we may reasonably expect that the principal of the Muslim college will be so.

Therefore, again, with regard to what I would call the other aspect of Muslim education a direct voice has already been provided in the councils of the University. Reference has been made to the Muslim Advisory Board which exists in connection with the Allahabad University. But I venture to think that the circumstances there are a little different. The University is a unitary university. It does not contain, as far as I remember, a specific Muslim college, although there may be a Muslim hostel. But in any case that is not a guarantee of an *ex-officio* seat on the main executive body of the University. Therefore, Allahabad does not possess the means of making the wishes of the Muslim community in respect of either of the subjects of instruction or of the welfare of their teachers and students known to the executive of the University. Therefore, in my opinion there is a much stronger case for the setting up of an Advisory Board to look after the interests not otherwise represented in the Allahabad University than there is in the case of the Delhi University where provision is made in both respects. For this reason, I regret that we cannot accept this amendment.

Question put and amendment negatived.
(Amendment No. 59 was not moved.)

THE HONOURABLE THE CHAIRMAN : Amendment No. 60.

THE HONOURABLE MR. HOSSAIN IMAM : Sir, I move :—

“ That in clause 16 of the Bill, to clause (2) of Statute 17 in the proposed Schedule the following Proviso be added :—

‘ Provided that at least two members of the Committee of Selection shall be Muslims ’.”

Sir, this refers to Statute 17 which has laid down the constitution of the Committee of Selection. The first three persons are common to all. Nos. 4 and 5 are changeable in different appointments. I have asked that there should be two members of this Committee out of six. It is only one-third representation that we want, and one-third can never be more than two-thirds. The two-thirds will always have the overriding power—much too effective not merely to silence but also to swamp the one-third. I think it will not hamper the Government if they accept this amendment. As I want to finish this Bill, I am making very short speeches.

Sir, I move.

THE HONOURABLE MR. J. D. TYSON : Sir, apart from the general difficulty about accepting an amendment worded in this way, I am afraid it would not be practicable to apply it to a Committee of Selection formed in the way provided in the Bill. There are really three possible committees of selection. There is the committee when a professor has to be appointed or recognised ; the committee when a reader has to be appointed or recognised ; and the committee when a teacher other than a professor or reader has to be appointed or recognised. To all those three kinds of committees certain persons are common. The Vice-Chancellor—I cannot guarantee that he will be a Muslim ; the Educational Adviser—the same applies to him.

THE HONOURABLE MR. HOSSAIN IMAM : It could be guaranteed that he will never be a Mussalman.

THE HONOURABLE MR. J. D. TYSON : I would not wish to guarantee that. Then there is the person elected by the Academic Council. It will be in their hands and I am not sure whether he will be a Mussalman or not. I leave for the moment the person nominated by the Chancellor. Then there is the expert to be chosen by

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the Executive Council and I cannot say to what community he may belong. He will be chosen as an expert in his subject. Then there is the Dean of the Faculty or the Head of the Department concerned. Now, Sir, it is quite clear that we cannot effectively lay down that any one of those five must be a Mussalman. The remaining one is the person nominated by the Chancellor. That provision is there for a variety of purposes. The idea was that he should see what the Committee looked like after the Executive Council and Academic Council had made their nominations and then the Chancellor would fill up the gap. But I could not guarantee even there that the Chancellor would fill up the gap on a communal basis, for the Chancellor might want to fill up the gap on the basis of trying to find some particular kind of expert in which he thought the Committee was lacking for the particular purpose for which it was being assembled. I would draw the attention of the House to the fact that we have in another place accepted an amendment which will have the effect so far as recognition of teachers goes, of adding this body as an Adviser the Principal of the College concerned, and therefore, to that extent, we have ensured that where recognition of a teacher who is associated with the Anglo-Arabic College is under consideration, the Principal of the College will be present as an Adviser. I think it is quite clear from what I have said that with a personnel such as has been, after very careful consideration and with a great degree of assent from the University, fixed for these committees of appointment and recognition, we could not possibly or to any useful purpose accept the present amendment which seeks to provide that two members of the Committee shall be Mussalmans.

Sir, I oppose the amendment.

Question put and amendment negatived.

THE HONOURABLE THE CHAIRMAN: Amendment No. 61.

*THE HONOURABLE MR. HOSSAIN IMAM: Sir, I move:—

“That in clause 16 of the Bill, in clause (3) of Statute 18 in the proposed Schedule all the words beginning with the words ‘a person in the service of’ and ending with the words ‘in the service of the College’ be omitted”.

Sir, clause (3) of Statute 18 runs as follows:—

“The period of recognition of a teacher of the University as Professor, Reader or Lecturer shall be determined by the Ordinances made in that behalf. A person in the service of a college recognised as a teacher of the University otherwise than as a Professor, Reader or Lecturer shall continue to be recognised so long as he is in the service of the college”.

Sir, I want to delete the latter portion of this sub-clause because it seems to me somewhat redundant. When he is once recognised, he remains a recognised teacher of the University. You have already provided for it. What is the idea of saying that he shall be recognised only until he is in the service of the college? If he is, say, in the Anglo-Arabic College and goes to the Hindu College, why should his recognition be taken away from him? That is the implication of this amendment as far as I can understand. I should like the Honourable Member to explain the position.

THE HONOURABLE MR. JOHN SARGENT: Sir, I will do my best to make the position clear. A similar explanation was asked for in another place and I did give the explanation and my powers of exposition were apparently clear enough to satisfy the Mover of that amendment and to make him withdraw it. This refers in the first place to a person other than a professor, reader or lecturer. Honourable Members may not perhaps quite rightly understand the position because they are not familiar with the University. There are two other categories of University teachers. They are the assistant lecturers and demonstrators. But really the important point of this clause is that it provides a safeguard both to colleges and to their teachers. We have laid it down in the revised conditions of grant, in order to ensure that college teachers in future will be of a standard eligible for recognition as teachers of the University—a matter in which the colleges have hitherto had reasonable ground for complaint—that a college teacher must be recognised as a teacher of the University. That, of course, is a great safeguard for the colleges and for their teachers. Hitherto it was the practice of the Universities to grant

* Not corrected by the Honourable Member.

recognition as a teacher of the University for comparatively limited periods. We felt, therefore, that it would be very unfair for a teacher of a college, knowing that he is recognised for the purpose of the grant, and that the grant depends upon his continued recognition as a teacher of the University, that the University recognition might be withdrawn and then the college might turn round and say, "We are very sorry to part with you but our teachers must be recognised teachers and your recognition has been withdrawn; therefore, you are not eligible for grant and we cannot continue to employ you". Therefore as a safeguard for the college teachers we have put it down here that having once been recognised as teachers of the University their recognition shall continue so long as they remain in the service of the college. The next clause, which I must not speak to here—it is subject to further amendment—provides for a safeguard to the University to enable them in their turn to get rid of a recognised teacher if he proves to be unsatisfactory. The two really stand together and I think it is a desirable safeguard in the interests of the teachers of the colleges. I am afraid, therefore, we cannot accept the amendment.

*THE HONOURABLE MR. HOSSAIN IMAM: I do not press this amendment.

The amendment was, by leave of the Council, withdrawn.

THE HONOURABLE THE CHAIRMAN: Amendment No. 62.

THE HONOURABLE MR. HOSSAIN IMAM: Sir, I move:—

"That in clause 16 of the Bill, clause (4) of Statute 18 in the proposed Schedule be omitta".

This refers to the following provisions:—

"The Executive Council may, on a reference from the Vice-Chancellor, withdraw recognition from a teacher: Provided that the teacher or the College concerned may, within a period of thirty days from the date of the order of withdrawal, appeal against the order to the Chancellor whose decision shall be final".

I expect some explanation here. The Honourable the Educational Adviser has some cogent reasons. I should like to have elucidation first. Then I shall press or withdraw the amendment.

THE HONOURABLE MR. JOHN SARGENT: Sir, the last clause we discussed was to guarantee a reasonable security to teachers of the colleges recognised as teachers of the University. At the same time we realised that cases might occur where a college teacher having been recognised as a teacher of the University may prove inefficient or otherwise unsuited to occupy that position. You must therefore provide some machinery for getting rid of such a teacher and this clause provides it. I think it also provides an adequate safeguard in the sense that a teacher of a college may appeal to the Chancellor against any decision of the Executive Council on the recommendation of the Vice-Chancellor. It is quite clear that there must be some provision somewhere where a teacher becomes obviously inefficient to withdraw his recognition as a teacher of the University. These two things are complementary; one is a safeguard to the teacher and the other is a safeguard to the University.

THE HONOURABLE MR. HOSSAIN IMAM: May I ask, Sir, is it possible for the Government to provide somewhere, in the Ordinances or Regulations, that this power will not be used until a recommendation is made either by the Academic Council or the college concerned.

THE HONOURABLE THE CHAIRMAN: That does not arise out of this.

THE HONOURABLE MR. HOSSAIN IMAM: I am asking whether they can use their influence to see that the position of the teacher is safeguarded. It should not be the position that if a teacher has displeased somebody on the Executive Council that drastic action is taken against the teacher. This should be done on the recommendation of the Academic Council and I should have asked that the Statute should be changed. The Executive Council is more or less an executive body, not an academic body.

THE HONOURABLE MR. P. N. SAPRU: While sympathising with the point of view of the Honourable Mr. Sargent that there should be some machinery whereby it may be possible for a college or the University to get rid of an inefficient teacher, I think the safeguards provided are not sufficient. On a reference from the Vice-Chancellor, the Executive Council and not even an absolute or two-third majority

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of it can withdraw recognition from a teacher. There is no consultation with the Academic Council provided in this case. Therefore, I do not think that the safeguards provided are adequate or sufficient. I must say, however, that I am not opposed to the principle of the withdrawal of recognition from a teacher when he proves to be inefficient. One of the things that we should secure is the continuous efficiency of our teachers. After they get into the University the tendency of teachers is just to do their day's work and to forget all about research. They do not often endeavour to improve their knowledge continuously. From this point of view the principle of this amendment is sound, but it should have been coupled with further safeguards than it has been. I support the amendment.

THE HONOURABLE MR. J. D. TYSON: The amendment before us does not purport to associate the Academic Council with the Executive Council in carrying out what I think is agreed to be a necessary function. The amendment before us is that the whole clause (4) should be omitted. The practice, I am assured, is that the Executive Council consults the Academic Council. The Executive Council is the appointing body and the recognising body and it should of course therefore take away recognition. We cannot on the amendment before us do anything other than delete this clause from the Bill, which I should be most reluctant to do. I consider this is a necessary function. But we are perfectly prepared to suggest to the University that they should give statutory recognition to what is I understand the existing practice by inserting some such words as "The Executive Council may in consultation with the Academic Council on a reference from the Vice-Chancellor withdraw recognition."

THE HONOURABLE MR. HOSSAIN IMAM: I may mention that in the Bill before us no power has been given to the Executive Council to withdraw recognition. It can recognise but there is no power in the Executive Council to refuse or withdraw recognition.

THE HONOURABLE MR. J. D. TYSON: I think where the power is given to accord recognition it is understood that there is the power to withdraw recognition also.

*THE HONOURABLE MR. HOSSAIN IMAM: Are converses always true? Question put and amendment negatived.

THE HONOURABLE THE CHAIRMAN: Amendment No. 63.

THE HONOURABLE MR. HOSSAIN IMAM: Sir, I move:—

"That in clause 16 of the Bill, clause (2) of Statute 19 in the proposed Schedule be omitted".

The portion that I want omitted says:—

"Nothing in this Statute shall be deemed to restrict any powers conferred on the Executive Council to withdraw recognition from any College in accordance with these Statutes".

If the converse was true, what was the reason for providing for it here? If they have the power to recognise then why specifically provide for withdrawal of recognition, as you have just now said in reference to my previous amendment. This is unnecessary. The recognised colleges, or constituent colleges as they are known in other universities, should have some security of tenure. They should not be always subjected to this threat of withdrawal of recognition, especially as withdrawal has been made so easy by providing only for a bare majority. There is no reference to the Court necessary. All these things stand in the way of giving support to this provision.

THE HONOURABLE MR. J. D. TYSON: It is possible that this sub-clause (2) is not strictly necessary but we were advised that it would be an act of wisdom and caution to have it in the Statute. The Statute, you see at the

1 P.M.

top, says that the following colleges be recognised as colleges of the University. Hitherto removal of recognition from colleges would have had to be done through the Statutes. Now, Sir, we have taken the power in the Act itself for the Executive Council to withdraw recognition and we were advised that it was wise, if not necessary, to make a reference to that here in what remains now of the original Statute 19. Sir, in view of the advice that we have received I must oppose an amendment designed to cut it out.

*THE HONOURABLE MR. HOSSAIN IMAM : Was it not necessary to have a provision for the withdrawal of recognition of teachers as well ?

Question put and amendment negatived.

THE HONOURABLE MR. HOSSAIN IMAM : I cannot move amendment No. 64 as the clause referred to is no longer there.

THE HONOURABLE THE CHAIRMAN : Amendment No. 65.

THE HONOURABLE MR. HOSSAIN IMAM : Sir, I rise to move :—

“ That in clause 16 of the Bill, in Statute 23 in the proposed Schedule for the words ‘ two years ’ the words ‘ four years ’ be substituted ”.

This refers to the term of office of the Vice-Chancellor. Although we wanted three years for the paid Vice-Chancellor but finding that that failed we think, Sir, that there should be an equality in the position of both the paid and the honorary Vice-Chancellor. One should not be placed at a disadvantageous and nugatory position of having half the period only. As a matter of fact I find from the University Calendar that Vice-Chancellors have served for a period of four years. They have always had two terms. From 1922 to 1926 Sir Hari Singh Gour was the Vice-Chancellor, from 1926 to 1930 Sir Mōti Sagar, from 1930 to 1934 Dr. Sir Abdur Rahman was Vice-Chancellor and I think Rai Bahadur Ram Kishore had his full term of four years. So if you have always had it on the basis of two terms of two years why not have one term of four years so that the Vice-Chancellor may be able to make some good ?

THE HONOURABLE MR. J. D. TYSON : I do not think that my Honourable friend can claim any particular virtue for a period of four years, for my recollection is that he moved an amendment proposing that the tenure of the Vice-Chancellor should be for three years but if he wants to have the two periods uniform, Sir, then the virtue of the figure of four years loses its effect. It is quite true that the term for an unpaid Vice-Chancellor, a part-time Vice-Chancellor, has been two years and that in practice the gentlemen who have held this office have all had a second term, except the present one who is enjoying a third term, but, Sir, I venture to submit that there is no case for demanding parity of term of office between a part-time Vice-Chancellor and a whole-time Vice-Chancellor. In the case of the whole-time Vice-Chancellor we have felt that it was necessary to ensure a sufficiency of tenure if we are to attract the kind of person that we would hope to see in that post. Now, Sir, it is for exactly the same reason that we feel that the period of an unpaid and a part-time Vice-Chancellor should not be made too long and that it is sufficient to offer a gentleman who is going to pursue his ordinary career a two-year term and that we might prejudice our chance of getting the best man available if he knew that he was accepting a term of four years. After all, this is going to be work additional to his ordinary profession. It would be possible, of course, to accept the post for four years and resign before the term is up but, Sir, I think that some people would feel that that was not quite playing the game ; that if they felt that they could not do the four-year term they should not take it on at all. We feel, Sir, that the two-year term is appropriate where we are asking a gentleman to carry the University in addition to his ordinary avocation but that a four-year term is necessary where we expect to attract a gentleman from a busy life elsewhere to do this as his sole pursuit. Therefore, Sir, we deliberately kept the two-year term for the part-time Vice-Chancellor and for the reasons that I have given we should like to keep that term and I must oppose the amendment.

Question put and amendment negatived.

THE HONOURABLE THE CHAIRMAN : Amendment No. 66.

*THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY : Sir, I rise to move :—

“ That in clause 16 of the Bill, the proviso in clause (3) of Statute 25 in the proposed Schedule be omitted ”.

This scholarship relates to University Colleges. In sub-clause (2) eight scholarships are provided for on the result of the intermediate examination, Faculty of Arts and three on the result of the intermediate examination, Faculty of Science

[Mr. Kumarsankar Ray Chaudhury.]

without any proviso or limitation as regards the pass marks obtained. But with regard to women there is a proviso added that she must secure at least 50 per cent. of the aggregate marks to be obtained. I submit, Sir, that we should encourage rather than discourage women and no proviso, no limitation, should be set upon her getting the scholarship. I therefore propose that the provision that she should at least obtain 50 per cent. of the marks, be omitted.

THE HONOURABLE MR. J. D. TYSON : Sir, I had a little difficulty in hearing the Honourable Member but I think it is the proviso that he does not like. It may perhaps meet the case if I say that the intermediate examination will go altogether very shortly and the whole of this sub-clause will at that stage become ineffective, but we should like to keep it as it is until the intermediate examination ceases to be held. So I must oppose the amendment.

*THE HONOURABLE MR. HOSSAIN IMAM : On a point of information, Sir, is the University to hold an intermediate examination next year ?

THE HONOURABLE MR. JOHN SARGENT : I think Sir, this has been the last one.

THE HONOURABLE MR. HOSSAIN IMAM : Then what is the meaning of this provision ?

THE HONOURABLE MR. J. D. TYSON : This is not a new provision. Sir. It has been there for some years and we simply let it remain there but it will lose its effect when the intermediate examination ceases. We are not quite sure whether there will be one next year or not—probably not—but if there were one this serves a useful purpose. If there is not one then this will become entirely infructuous and the University can in due course cut it out.

THE HONOURABLE MR. HOSSAIN IMAM : Really I just wanted to know not only about this sub-clause but also about sub-clause (2) where you have provided for scholarships in the Faculty of Arts and the Faculty of Science why when at the time you were drafting this Bill you had no intention of retaining the intermediate examination was this Statute not amended ? It should be as a result of the Higher Secondary Board examination that you want this amendment. I think there has been some mistake on the part of the Draftsman. I want some information from the Honourable Member.

THE HONOURABLE THE CHAIRMAN : You cannot have it on this clause.

Question put and amendment negatived.

THE HONOURABLE MR. HOSSAIN IMAM : Before we proceed further, Sir, I should like to make an observation. The Board of Secondary Education has ceased to exist, and therefore the reference to the high school examination of the Board of Secondary Education in clause (4) (b) of Statute 25 is ineffective and infructuous. There is no Board of Secondary Education and there is no high school examination in Delhi.

THE HONOURABLE MR. J. D. TYSON : We have not got this amendment.

THE HONOURABLE MR. HOSSAIN IMAM : I am not moving my amendment. I am just making a preliminary objection to Statute 25. I am opposing it.

THE HONOURABLE THE CHAIRMAN : We agreed yesterday that the clauses should be put together. I am not putting each clause separately.

THE HONOURABLE MR. HOSSAIN IMAM : The Government member can reply to my question. There is no Board of Secondary Education, and there is no high school examination. How can we provide for a thing which does not exist ? I want an explanation from Government.

THE HONOURABLE MR. JOHN SARGENT : I think I can answer this. The explanation is quite simple. When this Bill was drafted, we did not know what authority the Legislature would give us in regard to this matter. As soon as this Bill is passed, we shall know how we stand, and can revise the arrangement regarding the award of scholarships in the light of the new Act. Government could not very well abolish something until you had given them something to put in its place.

*THE HONOURABLE MR. HOSSAIN IMAM: I think it was the duty of the Government to have made the amendment in the Select Committee. They grossly neglected it.

THE HONOURABLE THE CHAIRMAN: What about amendment No. 67?

THE HONOURABLE MR. HOSSAIN IMAM: I am coming to that. I am having a preliminary skirmish on Statute 25.

I have no amendments to Statute 26 to 32. I move amendment No. 67 to Statute 33 :—

"That in clause 16 of the Bill, clause (1) of Statute 33 in the proposed Schedule be omitted."

Statute 33 contains general provisions relating to colleges. Clause (1) lays down—

"Save as otherwise provided in the Act, all Degree colleges shall be in close proximity to one another and to the University and shall ordinarily be located on the University estate :

Provided that the Executive Council shall have the power to exempt from the provisions of the foregoing clause, temporarily, or, if necessary, permanently, a college which is unable to comply therewith for want of a suitable site or an adequate grant-in-aid for building or maintenance".

I simply want, by moving this amendment, to get an assurance from the Government that the Anglo-Arabic College will get an adequate grant, or, if that is not forthcoming, it will be permanently exempted from the operation of this Clause. Government has both the powers—either to give money or to give exemption. I want an assurance from the Government on this point.

THE HONOURABLE MR. P. N. SAPRU: Mr. Chairman, I do not take the same line as the Honourable Mr. Hossain Imam in regard to Statute 33. I think that the functioning of a federal university with co-operative teaching as its main function will become very difficult if colleges are situated at a great distance.

THE HONOURABLE MR. HOSSAIN IMAM: What about the students?

THE HONOURABLE MR. P. N. SAPRU: As for the students, I think there should be some conveyance arranged for them, and there should be more residential halls. But I would support Mr. Hossain Imam in his demand that the Arabic College—as, indeed, the other colleges also—should be helped with funds to enable it to move to the University site. The provision about the permanent site of a college being somewhat distant from the University, I take it, is intended for medical colleges, engineering colleges or polytechnical colleges. But so far as arts and science teaching is concerned, the colleges teaching these subjects should be situated in the university area. That is the only way in which co-operative teaching can be carried on.

THE HONOURABLE MR. JOHN SARGENT: Sir, even at the cost of taking a few minutes of this Honourable House's time at this late hour, I should like to try and say something about this important point, and, in doing so, I might also answer some of the subsequent amendments which raise the issue of co-operative teaching, to which my Honourable friend Mr. Sapru has just referred.

It is essential to the conception of the co-operative university which we have in mind at the moment that if there is to be co-operation up to the highest stage the University and colleges, if possible, should be in close proximity to one another. As members will be aware, the University was very fortunate, about ten years ago, in being placed in possession of one of the finest sites which I think any university in this country possesses, and plots on that university site have been allotted to all the colleges. We are anxious that as soon as circumstances permit the colleges should move up to the University site. One of them has already done so, and one is in process of doing so. And even in these hard times a balance of money is still available for any other college which is prepared to move. At the same time we realise that there are practical difficulties in the way of obtaining building materials at the moment which may make it necessary to postpone movement until the position in regard to getting materials is easier. But when that time comes, and subject to the proviso which guarantees a college against an enforced move unless it receives reasonable assistance, there is a great deal to be said in favour of the colleges being on the university site.

[Mr. John Sargent.]

I wearied another place by continuous references to co-operative teaching. But co-operative teaching, in my opinion, is most a desirable safeguard educationally for a happy relationship between the University and its colleges. It is also essentially economical from the point of finance.

But, Sir, co-operative teaching is not the only reason which makes the collecting of all the colleges together on the site extremely desirable. The new site has the most admirable facilities for outside activities such as games. Under the fatherly care of the present Vice-Chancellor, many amenities are already being provided on the University site which will be of great value to students. I refer not merely to the great improvement in the University library, but to the provision of common rooms, recreation rooms and other matters, and, of course, a very fine games field. So that, at any rate from the general consideration there is a great deal to be said in favour of the colleges going up to the University site as soon as they can. While, of course, under existing financial conditions one can give no guarantee that money will be forthcoming at any particular moment, I think it is implicit, from the considerable sum that Government have already put down to enable the reorganisation scheme to be carried out, that they will hardly waste what they have already done and that they will go on and provide the logical completion to the scheme which they have inaugurated. Therefore, I think the colleges may reasonably hope that if they prepare themselves to make the move they will not receive a niggardly response from the Government.

I might perhaps refer to certain difficulties, which I think were satisfactorily dealt with in another place. It was pointed out that the University estate is some way outside Delhi City—not very far, it is true that it is some way from New Delhi where a considerable number of students will no doubt come from. I do not know, of course, what is regarded as reasonable or unreasonable in the distance which a student can be expected to travel. When I was a young man I used to travel daily a very much longer distance on a bicycle than will be involved by the present situation. But I think that we have got to face the fact that if you are going to avail yourself of good facilities and healthy surroundings, you have got to move the colleges from their present in some cases very unhealthy situations inside the crowded city out to the lovely spot which is waiting to receive them. I am quite certain that the University authorities will give every possible consideration to questions of conveyance if they should be satisfied that the distance involved in bicycling or the difficulty of the poor students getting a bicycle is such as to render assistance in that matter necessary. Similarly, Sir, I hope that they will give full consideration,—and I know the present Vice-Chancellor is giving it,—to the question of providing reasonable facilities on the site for refreshments and recreation either in between games and lectures or in between lectures for all these students. Certainly, the sooner we are able to get the colleges up to this site, the sooner we shall give practical effect to the ideal of co-operative teaching, which is a very important question and still more to the idea of a university in which the colleges take a real and important part. For that reason, Sir, I regard this provision as a very desirable one and I should be very sorry to see it omitted.

Question put and amendment negatived.

THE HONOURABLE THE CHAIRMAN: Amendment No. 68.

*THE HONOURABLE MR. HOSSAIN IMAM: Sir, I move:—

“That in clause 16 of the Bill, in clause (3) of Statute 33 in the proposed Schedule the following be added at the end:—

‘No person shall be the Chairman of more Governing Bodies than one.’”

Sir, I think that a man in the present monogamous world—(An Honourable Member: Is it monogamous?)—at least the Government lives up to that ideal before it—there is no dearth of suitable persons. I do not therefore think it proper that one person should be asked to be the President of more than one governing body. It may be desirable that more persons should take an interest in the colleges and their affairs and that it should not remain the monopoly of any one person.

Sir, I move.

THE HONOURABLE MR. JOHN SARGENT : Sir, while I am in general agreement with the proposition put forward by the Honourable mover of this amendment,—I would like this office of Chairman to be shared by as many gentlemen interested in education as possible—I hope that the amendment will not be pressed. Occasion may arise in the future when we have a man of such outstanding educational capacity that we may want to make use of him as Chairman of more than one governing body. The second point is quite a personal one. In fact, gentlemen have been Chairmen of more than one governing body in the past. Whether that was a good thing or not I will not say. But I should rather deprecate the introduction of a Statute which might be regarded as being aimed at a particular person. For that reason I hope this amendment will not be pressed.

Question put and amendment negatived.

THE HONOURABLE THE CHAIRMAN : Amendment No. 69.

***THE HONOURABLE MR. HOSSAIN IMAM :** Sir, I move :—

"That in clause 16 of the Bill, in clause (10) of Statute 33 in the proposed Schedule all the words beginning with the words 'on the working of the College' and ending with the word 'management' be omitted and before the words 'the number' the words 'as to' be inserted."

Sir, the result of this amendment will be that the colleges will have to submit each year, by a date to be fixed by the Executive Council, a report to the Executive Council on the number of students and a statement of income and expenditure and such other information as may be required. The part to which I take objection is about the working of the college during the previous year, giving the particulars and circumstances of any change in the staff or the management. Of all changes in the staff an intimation has to be sent to the University under other Statutes and therefore it is nothing but tabulation in one statement. The University is already informed on this. As far as my amendment is concerned, I think the University is not very keenly interested in the internal affairs of the governing body, whether one man is President or he is a member alone. These things are not of much interest to the University. The desire of the bureaucracy is to have as many files as it can have, and as big a file as possible in order to justify the burdens on the University authorities.

Sir, I move my amendment.

THE HONOURABLE MR. P. N. SAPRU : Sir, I regret I am unable to agree with the Honourable Mr. Hossain Imam in regard to this clause. The constitution of the Allahabad University is quite different. It is a unitary University. Surely the University ought to know how an institution has worked during the year under report. Surely, Sir, it ought to know with whom it has to deal. It ought to know who the governors of its institutions are and what the managing body is. It is implicit in the relationship between the University and the colleges that the University should have the information which is provided for in clause (10). The Honourable Mr. Hossain Imam has raised an unnecessary objection to this clause.

THE HONOURABLE MR. J. D. TYSON : Sir, we think that this is not an onerous burden to put on the college. It has to submit the report once a year and we think that the more the colleges and the University know about each other, the better, because we expect them to co-operate. They can only do that if they really know how each is working. This amendment would reduce the annual report to a mere statement of the number of students and a statement of income and expenditure. There is another phrase "such other information as may be required," so that I do not think that the amendment really performs the function which the Honourable Mover seeks to do. We regard the words which he proposes to cut out as giving a good indication of the kind of information that would be required. We think this is a very useful provision to keep in. Therefore, Sir, I am afraid I must oppose the amendment.

Question put and amendment negatived.

THE HONOURABLE THE CHAIRMAN : Amendment No. 70.

THE HONOURABLE MR. HOSSAIN IMAM : Sir, I move :

"That in clause 16 of the Bill, clause (16) of Statute 33 in the proposed Schedule be omitted".

* Not corrected by the Honourable Member.

[Mr. Hossain Imam.]

Clause (16) says :—

"Where a college desires to raise the standard or alter the subjects in respect of which it is recognised, the procedure hereinbefore prescribed shall, so far as applicable, be followed."

If a college wants to raise the standard it is a thing which should be welcomed and it should not in any way be subjected to hindrances. I would like the Honourable Member to elucidate the point so that I may decide whether I should press this amendment or not.

THE HONOURABLE MR. JOHN SARGENT: Sir, this is one of the sub-clauses of the Statutes which are definitely connected with the question of co-operative teaching. A college agrees to undertake the provision of teaching in a certain subject or subjects up to a certain standard. But, quite clearly, if it wishes to raise or lower that standard or alter the subjects, it is necessary to go and tell the University that it proposes to do so. Otherwise students might be left completely in the air. This is to ensure the necessary consultation not merely at the time of recognition but equally after recognition. If after having agreed to undertake teaching up to a certain standard on the co-operative basis a college wants to alter it, it clearly must go back to the University and ask either to be relieved from the obligation which it had undertaken or to be allowed to increase that obligation by undertaking teaching up to a higher standard or adding an additional subject. I think that is quite necessary. You cannot leave a college, on its own, to give up teaching or say it will do what it likes because that might very well cut across all the efforts for co-operative teaching which have been made.

THE HONOURABLE MR. HOSSAIN IMAM: I do not press the amendment, Sir.

The amendment was, by leave of the Council, withdrawn.

The Council then adjourned for Lunch till a Quarter to Three of the Clock.

The Council re-assembled after Lunch at a Quarter to Three of the Clock, the Honourable the Chairman (The Honourable Sir David Devadoss) in the Chair.

THE HONOURABLE THE CHAIRMAN: Amendment No. 71.

*THE HONOURABLE MR. HOSSAIN IMAM: Sir, I rise to move :—

"That in clause 16 of the Bill in clause (17) of Statute 33 in the proposed Schedule all the words occurring after the word 'teachers' where it occurs for the first time be omitted."

The proposal says :—

"Every college shall have on its staff a minimum number of teachers maintained for co-operative teaching. The number of teachers and the scope of teaching shall be specified in each case by the University".

This amendment is really against co-operative teaching. We do not feel quite happy about it, because so far we have not heard any definite assurance from Government that they will take the responsibility of students reaching the college from far-off places in a convenient manner. Co-operative teaching is all right. The idea is to make some savings by avoiding duplication in teaching. But what about the cost to the students? India is a poor country. Hostels would be expensive and Indian society does not very much appreciate the idea of separation from children, especially if they happen to be in the same place. The only argument in favour of co-operative teaching is that it will be cheaper but I doubt whether the colleges will be prepared to dispense with the staff that they have got. If the same staff is to be maintained, then where is the saving? If you wish to make co-operative teaching as the fundamental of teaching, that would involve a great deal of inconvenience to the students as well as to the parents. Therefore, I am not in favour of co-operative teaching as at present without a promise from the Government of full help in every possible way.

THE HONOURABLE MR. JOHN SARGENT: Sir, I am rather alarmed to hear my Honourable friend say that the only thing in favour of co-operative teaching is cheapness. I may say that there is quite another point of view. It certainly does make for economy where only a very few students desire a particular subject so that

* Not corrected by the Honourable Member.

one teacher should be engaged to teach them rather than a number of teachers. But it also has a very much wider aspect and will apply even to the higher teaching in the University, because college teachers will be employed for co-operative teaching. If that was not so, presumably all higher teaching would be provided by the University and the colleges would gradually relapse into hostels, as some Honourable Members in this House have prophesied that they will. We are trying to prevent that and give colleges an effective share in all stages of the teaching in the University so far as that can be done by co-operative teaching. I very much favour co-operative teaching. If my Honourable friend does not, he will support this amendment. As I do favour co-operative teaching and regard it as a valuable experiment, I must oppose it.

THE HONOURABLE MR. HOSSAIN IMAM : Is the Government prepared to help students ?

THE HONOURABLE MR. JOHN SARGENT : I have already said that Government, as far as I know their intention, are interested in this scheme and prepared to give every necessary assistance to make it a success.

Question put and amendment negatived.

THE HONOURABLE THE CHAIRMAN : Amendment No. 72.

***THE HONOURABLE MR. HOSSAIN IMAM :** Sir, I move :—

“ That in clause 16 of the Bill, clause (20) of Statute 33 in the proposed Schedule be omitted.”

The Bill as proposed gives a power which might be used to the disadvantage of some of the colleges. If the Government fixes a proportion which makes it incumbent on colleges to employ a larger number of teachers than they have at the present moment in their staff, then this will be an additional burden. No doubt Government will give a portion of the salary of the staff as a help, but the other portion will have to be found by the colleges themselves. Facts are not before us. What is the basis on which the number of students will be fixed for each teacher ? I should like to have some information on the subject, so that we may be able to judge the intentions of Government, whether they are satisfactory or not.*

THE HONOURABLE MR. P. N. SAPRU : If my Honourable friend, Mr. Hossain Imam wants a university of the affiliating and examining type, he should boldly say so. As I understand this clause, it is absolutely essential for the maintenance of certain educational standards. The University must be able to say whether the classes are too big or not to take. It must have control in that direction. I think the correct line for him to take would be to say that he is opposed to the idea of a federal or unitary university, that he wants the University to be an examining machine for the production of Muslim graduates in large numbers.

THE HONOURABLE MR. JOHN SARGENT : My Honourable friend Mr. Sapru has given a sufficient defence of this particular clause. As he said, the aim is to ensure adequate staffs in the colleges. There is one other aspect also. It aims at limiting the size of colleges within a reasonable maximum. The University and all the colleges have discussed this point and have agreed that to ensure tutorial work together with a reasonable amount of personal association between teachers and students the maximum size of a college should be 600. This has been agreed to and incorporated here.

Question put and amendment negatived.

(Amendment No. 73 was not moved).

THE HONOURABLE THE CHAIRMAN : Amendment No. 74.

THE HONOURABLE MR. HOSSAIN IMAM : Sir, I move :—

“ That in clause 16 of the Bill, clause (22) of Statute 33 in the proposed Schedule be omitted.”

This again involves interference with the freedom of the colleges. If my Honourable friend is a champion of central authority, naturally I am a champion of provincial autonomy. I want that the institutions should either exist as independent and co-operative bodies, or they should be finished in one stroke. I could quite understand the logic of my Honourable friend Mr. Sapru's point. If we have a unitary university in which the federating units are made powerless and the whole centre of

[Mr. Hossain Imam.]

gravity is shifted to the centre, it is something which is against the idea of federation altogether. Federation presupposes a surrender by the constituent units of some of their powers to the central authority to facilitate their administration. Here we start as the Honourable Mr. Sargent has stated in the other place right from the roof. We are building down, we are not building up and therefore, Sir, naturally being as is well known a provincialist and standing for the freedom of the units I move this amendment.

THE HONOURABLE MR. P. N. SAPRU : As reference has been made by my Honourable friend Mr. Hossain Imam to my attitude in regard to certain amendments I would like to say that I am a champion of efficient university education and I should be very glad if colleges were abolished but the Bill, as Mr. Sargent has pointed out, represents a compromise between the affiliating and the unitary ideal and there is nothing inconsistent with the principles of a federal university in this clause. I think, Sir, the recognition of individual teachers is necessary in the interests of efficiency. I should be glad if the colleges were converted into Halls as I said in my opening speech but since that is not being done I would not like to make the University an inefficient instrument of education.

THE HONOURABLE MR. JOHN SARGENT : As I told this Honourable House the other day, I have seen a little of provincial or collegiate autonomy as it existed in the University of Delhi some years ago and I was not very much impressed by it for reasons which I gave the House and for others which I might have given, if I had thought it desirable. As my Honourable friend Mr. Sapru has said, we are stopping short of a unitary university and deliberately trying something which we hope will be a half-way house between the affiliating and the unitary ideal. However, we hope it will be successful. If it is going to be a success we must have a clause of this kind on the Statute Book.

Question put and amendment negatived.

THE HONOURABLE THE CHAIRMAN : Amendment No. 75.

***THE HONOURABLE MR. HOSSAIN IMAM :** Sir, I rise to move :—

“That in clause 16 of the Bill, in clause (33) of Statute 33 in the proposed Schedule after the word ‘majority’ the words ‘of at least two-thirds’ be inserted.”

This is an amendment about the withdrawal of recognition of colleges. I hope at least in this the Honourable Mr. Sapru will bear out the promise which he made in the beginning that if an amendment is moved by which the Executive Council will have to pass its action by a two-thirds majority he might give his support. Well this is an amendment which wants to do exactly this thing and I think his animosity towards my amendments will not make him oppose even this amendment. It simply seeks, Sir, to impose a restriction upon an extraordinary power which is being given to the Executive Council. The Executive Council has the power to withdraw recognition of the colleges. We have seen, Sir, how stringent the rules have been made. In every conceivable manner the liberty of the colleges has been taken away. Now when the final death sentence is to be passed we want that there should be a distinct majority of the jurors to side with the judge. I therefore make this Motion.

THE HONOURABLE MR. P. N. SAPRU : Mr. Chairman, I will just explain myself. I am already committed to the view that the majority should be at least two-thirds. Since I spoke on the consideration stage the Honourable Mr. Tyson has explained that the majority required will be an absolute majority. I am not very good at mathematics but I think that two-thirds is a better safeguard than an absolute majority. I would like to be fair to the colleges and, therefore, I would support this amendment of Mr. Hossain Imam. I may say that I consider the amendments on their merits. I am not actuated by any desire to oppose the amendments moved by Mr. Hossain Imam for the sake of opposition.

THE HONOURABLE MR. J. D. TYSON : As matters stand, the Court can withdraw recognition from a college by a bare majority and, Sir, I submit that without any disrespect to the Court it is a body which with its large numbers and its non-resident element is—

THE HONOURABLE MR. P. N. SAPRU : He is not talking about the Court; he is talking about a two-thirds majority.

THE HONOURABLE MR. J. D. TYSON—is one in which it should be easier to get an unrepresentative decision than in the Executive Council which is a smaller and more compact body. Therefore, Sir, if the Court, composed as it is, is empowered to take away recognition by a bare majority I do not myself see why there should be any objection to a bare majority deciding the matter in the more businesslike body, the body more closely in touch with the day-to-day working of the University which is the Executive Council. Now, Sir, the Executive Council will consist of 25 or 26 members according as there is not or there is the Rector. Two-thirds of 25 or 26, I understand, would be 17 or 18. Now, Sir, it has to be remembered that in this body of 25 or 26 there will certainly be the Principal of the college concerned and in all probability there will be one, two or even more members of the Executive Council who are connected with the college and it is not, therefore, Sir, a matter of dealing with a jury who are supposed, in a criminal case or a civil case if it comes to that, to be unbiassed and unconnected with the case. We have to recognise the fact that on this body which will take the decision about removing recognition some members will be the judges in their own cause.

Now, Sir, another point that we have to remember is this. The taking away of recognition of a college is a very serious thing and, I confess, is going to be an unpleasant business—one in which most people would rather not participate. One knows, Sir, the tendency in all countries—India is not exempt—for people who are faced with business of that kind to find that the day is not a very suitable one for them to attend. They have pressing business elsewhere or the doctor advises retiring to bed, and, Sir, if you consider that the sympathies of some will be already on the side of the colleges and then there is this tendency to try to keep out of unpleasant matters, you will, I think, realise, Sir, that to get a two-thirds majority as the amendment requires, a two-thirds majority of the whole body which consists of all those persons—

***THE HONOURABLE MR. HOSSAIN IMAM :** There is no mention of the whole body.

THE HONOURABLE MR. J. D. TYSON : His amendment, if passed, will make the Statute read :—

"The Executive Council may, after due enquiry and after consultation with the Academic Council, by a majority of *at least two-thirds* of all the then members of the Executive Council . . . " Sir, this is how his amendment reads. If he has not drafted his amendment in the way he meant to I am afraid I cannot refrain from dealing with it in the way it has come before the House. In fact he is asking us to do something, to agree to something, which would probably prevent a decision ever being arrived at in an important matter of this kind. I have already said that the Court decides by a bare majority, and we have not,

3-5 P.M. in the Statute before us, contented ourselves with a bare majority of the members who venture to turn up; we have definitely required that for the withdrawal of recognition it should be a majority of all the then members of the Executive Council—a majority of the total number, whether they are present or not. It seems to me that in a matter of this kind you have got to provide for certain things. You have got to provide for a full inquiry. You have got to provide that the party concerned shall have notice. You have got to provide for due consideration of that party's case. Then, when you have provided for all these things, I think that we are right in deciding that a majority, at all events a majority of the whole body and not merely of those present, should decide. But over and above that, we have provided for something which does not at present exist in the Statutes. We have provided for an appeal to the Central Government.

I submit, Sir, that we gave very careful consideration to this provision. It is a provision that we hope we shall never have to use, but there must be a provision of this kind; and if we are going to have a machinery whereby recognition can be taken away, then, I submit, let us have a machinery which can conceivably work. I must oppose the amendment.

THE HONOURABLE MR. HOSSAIN IMAM : May I draw attention to the fact that the body to which he is giving this power has refused to take it on his terms?

THE HONOURABLE MR. J. D. TYSON : I am thankful to my Honourable friend. He gets very little support from the Executive Council, for they recommended to us that—

“The Executive Council shall have the power by a resolution passed by a majority of not less than two-thirds of the members present.....”

The quorum, as I pointed out before, is six in the Executive Council; and supposing that they were so lacking in a sense of duty that they allowed the matter to be disposed of by a bare quorum, a two-thirds majority of those present, of a bare quorum that would be present, would be four: four would vote for the removal of the recognition and that would suffice. That was the recommendation to which my Honourable friend referred. I submit that ours is infinitely better from the point of view of the colleges than the recommendation of the Executive Council.

THE HONOURABLE MR. P. N. SAPRU : If all the members are present, a bare majority suffices.

THE HONOURABLE THE CHAIRMAN : Amendment moved :—

“That in clause 16 of the Bill, in clause (33) of Statute 33 in the proposed Schedule after the word ‘majority’ the words ‘of at least two-thirds’ be inserted.”

Question put: the Council divided:

AYES—5.

Hossain Imam, Hon. Mr.
Kalikar, Hon. Mr. V. V.
Kunzru, Hon. Pandit Hirday Nath.

Ram Saran Das, Hon. Rai Bahadur Lala.
Sapru, Hon. Mr. P. N.

NOES—19.

Bozman, Hon. Mr. G. S.
Charanjit Singh, Hon. Raja.
Conran-Smith, Hon. Mr. E.
Ghosal, Hon. Sir Josna.
Hydari, Hon. Mr. M. S. A.
Jogendra Singh, Hon. Sir.
Jones, Hon. Mr. C. E.
Khurshid Ali Khan, Hon. Nawabzada.
Lal, Hon. Mr. Shavax A.
Mahomed Usman, Hon. Sir.

Menon, Hon. Sir Ramunni.
Mitra, Hon. Mr. D. N.
Mukhorjee, Hon. Sir Satya Charan.
Pillai, Hon. Mr. N. R.
Ray, Hon. Mr. S. N.
Roy, Hon. Sir Satyendra Nath.
Sargent, Hon. Mr. John.
Sobha Singh, Hon. Sardar Bahadur.
Tyson, Hon. Mr. J. D.

The motion was negatived.

THE HONOURABLE MR. HOSSAIN IMAM : I do not wish to move any of the other amendments.

(Amendments 76 to 84 were not moved.)

The Statutes and clause 16 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE SIR JOGENDRA SINGH (Education, Health and Lands Member) : Sir, I move :—

“That the Bill, as passed by the Legislative Assembly, be passed.”

Sir, I find it difficult to assess the criticism that has ranged round this Bill. It has been no pleasure to me or my colleagues to resist the amendments. It is the peculiar position of the Bill that made it inevitable. It was our purpose only to amend certain sections of the Act and the Statutes to give sanction to certain reforms already carried into effect. The original Act was accepted and worked by all communities for nearly 20 years. We did not expect that the amendments which we were moving would be the subject of so much controversy. I can honestly say that I am not familiar with the armour of resistance. I believe in a spirit of give and take. I feel no sense of separation from my brothers of Islam. But, alas, it seems, as if we are standing between the two worlds, one dead and the other waiting to be born.

The Delhi University is still in the course of becoming. We can surely hope that in its becoming it will illuminate the whole field of education and draw Mussalmans, Hindus, Christians, Europeans and others together in its service.

As the days pass and the new world takes shape, it is my hope that communities in all spheres of life will take their proper share as sons of India. I firmly believe that the citadels of national thought are deeply rooted in the hearts and

minds of men and nothing can destroy the national ideal unless the human mind itself is destroyed.

May I conclude with a prayer which flowed from the lips of a people similarly situated centuries ago as we are today :—

“ Give us grace seriously to lay to heart the great dangers we are in by our unhappy divisions. Take away all hatreds and prejudice and whatever else may hinder us from godly union and concord : So we may henceforth be all of one heart and of one soul united in one holy bond of truth and peace of faith and charity. ”

THE HONOURABLE MR. P. N. SAPRU : Mr. Chairman, I must first give an undertaking that I shall not be very long. I shall take up only five to seven minutes. Sir, I have, in the speeches which I have made at the Consideration stage given expression to the fears that I entertain as regards the type of University that Delhi will have when this Bill is passed. I said that I would not have gone in for a compromise. I would have frankly accepted the position that the best type of University for Delhi would be the unitary and teaching type of university. However, I recognise that this Bill represents in a way a new experiment in university education. It is an experiment in a type of university. It is different from the University of Allahabad inasmuch as in Allahabad and Lucknow, we have centralised teaching. Here there will be co-operative teaching and that is why I say that this University represents a new experiment. I am not, Sir, against experimenting along new lines in educational matters, and therefore, while I have my doubts as regards the possibility of this experiment succeeding, I will not say “ No ” to this experiment. I wish this experiment every success and I hope that the labours of the distinguished Vice-Chancellor of the Delhi University, Sir Maurice Gwyer, the Education Member, the Honourable Mr. Tyson and the Honourable Mr. Sargent in building up the Delhi University into a fine institution will be crowned with success.

The Honourable Mr. Sargent has told us that the Government are in a position to assist colleges and schools to reorganise themselves. He has given us details of the figures of the amounts the Central Government are spending on the reconstruction of secondary education. The point that I wanted to make was this. I see no reason why the Board of Secondary Education should not be given a higher dignity, a higher status. Therefore, I would earnestly request you to consider the question of having the constitution of the Board of Secondary Education passed by the Central Legislature. The Board should be constituted by an Act of the Central Legislature.

Sir, the real crux of the problem is the teacher. When I was reading the Report of the Royal Commission on Oxford and Cambridge Universities—the Asquith Commission of 1922—I found this and I would like to quote it. Dealing with the question of the conditions under which the University teachers must work they said :—

“ Each University must be placed in a position to offer to all those who do its work a salary and pension prospects enabling a man to marry and bring up a family, with amenities and advantages of education like those of other professional families. On that condition Oxford and Cambridge will be able in the coming era to keep enough of their best students to do their teaching and research — but not otherwise. ”

Then they say :—

“ The second danger to Oxford and Cambridge is the insufficient number of teachers in proportion to the number of students and the variety of subjects ; with the resulting evil of an inadequate amount of time given to research. ”

Sir, I have quoted from this Report in order to impress upon the Government the necessity of seeing that the conditions of service of the teachers are improved. One of the distressing features of the educational world today is that the best men are attracted to the Indian Civil Service or the Indian Audit Service or the other Indian Services and often we find that the scholarly type of Indian is absorbed in these services which are more highly paid than the educational service. If you, therefore, want to improve the quality of education, we must also improve the status of the teacher, his emoluments and his general status and position in life.

I should also like to stress the importance of Indian languages. In some of the Indian universities Urdu and Hindi are taught up to the M.A. standard. It is possible for a student to offer Urdu, Hindi and other Indian languages up to the

[Mr. P. N. Sapru.]

M.A. standard. You can frame an honours course which will be sufficiently wide and comprehensive in its character in Urdu and Hindi for the M.A. examination. I would, therefore, earnestly suggest that this question should be taken up by the Delhi University.

The next thing that I should like to see is that there should be more attention paid to physical education. I will merely say that more attention should be paid to physical education. I will not go into that question further.

Finally, Sir, I should like to stress the importance of continuation schools, extra-mural instruction, and adult education. The Honourable Mr. Sargent knows the controversy that is going on in regard to adult education in England. I was reading the other day a book by Dr. Livingstone on the future of education and he knows what importance is being attached to adult education. A man passes the higher secondary education examination and then he forgets all about what he has read. He must be given opportunities by the University of keeping himself in contact with modern thought. Therefore if the Delhi University develops on these lines, we may be certain that the work that we have set ourselves to do will be work which is useful work. Sir, we have no desire to be unfair to our Moslem friends. We should like them to pull their full weight in the counsels of the University, but if they want to pull their full weight in the counsels of the University they must take more interest in the academic life of the University. Communalism will not solve the problem for them.

With these words, Sir, I give my blessing to this Bill.

THE HONOURABLE MR. V. V. KALIKAR (Central Provinces : General) : Sir, as a layman I must accept the views of my friends who are experts in educational matters and I therefore support the Bill. My friends the Honourable Pandit Kunzru and the Honourable Mr. Sapru are connected with two important Universities in India and they have blessed the Bill. I therefore follow in the r path and I also bless the Bill. But I have my own doubts and I think I must express them now. My doubts are about migratory pupils. I heard with rapt attention the speech of my Honourable friend Mr. Sargent yet I am not satisfied on the point whether the other universities will accept in their colleges the students that may migrate from Delhi University. My Honourable friend Mr. Sargent told us the other day that the point was discussed or was known to the Inter-University Board. If that is so, I would request the Government of India to bring pressure on other universities and also on the Provincial Governments to accept those students who migrate from Delhi in their universities and to accept the degree of this University and give those students employment in their provinces. If they do not agree to the proposals of the Government of India the fate of the students who migrate from Delhi will be miserable.

Sir, I do not want to inflict a long speech at this stage, but I have to say a word about communalism. Sir, in this Bill the communal spirit has been introduced because a particular community was more vociferous in its demand.

THE HONOURABLE MR. HOSSAIN IMAM : Without justice ?

THE HONOURABLE MR. V. V. KALIKAR : I say without justice because I want the portals of the University, the temple of learning, not to be polluted with communalism. I put to my friend Mr. Hossain Imam a practical proposition. Supposing in my college there is a Muslim boy who is a first class M.Sc. and a Hindu boy who is a third class M.Sc., will my friend advise me to appoint the Hindu boy, because the Hindus are in a majority ? If I do that, I will be ignoring the efficiency of the education of my students. Sir, at least in these institutions the communal element ought to have been eschewed. Government gave way to the pressure of Muslim demand. The Government committed a blunder in accepting certain communal amendments.

Sir, the third point is about the paid Vice-Chancellor. On this point also I have my doubts, but I accept the advice, as I said in the beginning, of my friends, the two experts, my Honourable friends Pandit Kunzru and Mr. Sapru. I therefore support the Bill. The measure before us seeks to impose certain restrictions on the independent activities of the University. As has been said by so many speakers

on the First Reading of the Bill, the University has been officialised. After experimenting for a year I wish Government would bring in some new measure to see that the officialisation is removed and the activities of the University are free from official control.

Lastly, Sir, I want to register a protest against the procedure adopted by the Government so far as this House is concerned. This is an important Bill. The Government wanted to pass this legislation in undue haste. I use the words "undue haste" because though the measure was with the Government of India for three years they did not introduce the Bill earlier. The Government knew that they had a majority in this House and therefore when the other House was not sitting they introduced the Bill in this House. Supposing this House had carried amendments what would have been the effect? Government wanted the Bill to be passed as early as possible. If that was their intention, they ought to have introduced this Bill at the very beginning when the other House was sitting and allowed this House to discuss it, so as to make it possible for the Bill to be taken to the other House if this House passed any amendments. I, Sir, register a protest that this House has been dealt with scant courtesy.

Sir, in the end I hope that the cause of education will be furthered by this measure. I wish that my Muslim friends will take more interest in academical matters of the Delhi University and in other administrative matters and they will see that their interest is not sacrificed.

*THE HONOURABLE SARDAR BAHADUR SOBHA SINGH (Nominated Non-official): While giving my support to this Bill I feel sorry to see that such an important Bill should have dragged some communal feeling in its tail. I have got no grouse against my Muslim friends if they are backward in education or in social matters but to bring these amendments and to give it a communal colour is really giving a bad taste to the Bill. I am sorry to say that our legislators have taken very great interest in the Delhi University Bill but they have never taken any interest in the social, political or economic life of Delhi. They come, they entertain, they enjoy parties and go back. They have never seen what Delhi is like and what in the educational centre of Delhi is being done.

Sir, I am glad to see that this dying baby, the Delhi University, is handed over to such an eminent person as Sir Maurice Gwyer and I feel sure that with the support of this Bill he will make it the model University of India. All these amendments which have been carried or accepted by Government I think should satisfy my Muhammadan friends and they should try to work up that suitable Muhammadans are available to be taken into the different committees and executive bodies. I am sorry to say that they have got a college and they have not even been able to find an able Muhammadan principal. They have always been getting a European principal and while my Honourable friend Mr. Hossain Imam was fighting that they are not given representation they have got one professor or one representative here. He has entirely forgotten that they have one college in Delhi and that is also principalled by a European and not by a Muhammadan.

THE HONOURABLE MR. HOSSAIN IMAM: The Hindus have only one person to be the Chairman of three college governing bodies.

THE HONOURABLE SARDAR BAHADUR SOBHA SINGH: I am glad that the Council and the Assembly have given their full consent to the Bill and I support the Bill.

*THE HONOURABLE SAYYED MOHAMED PADSHAH, SAHIB BAHADUR (Madras: Muhammadan): Sir, I endorse the view that was expressed by my Honourable friend Mr. Sapru that teachers ought to be properly paid. You cannot expect any teacher, who is ill-paid, who is struggling to make both ends meet, to take part in the civic life of the country as a self-respecting citizen.

I should like to state that I am behind nobody else in wishing the Delhi University success and I also wish that the great hopes that were expressed by my Honourable friend the Education Member here, may fructify, but I feel that after all the Bill as it is, as it has been passed just now, and which is to measure the basis on which the Delhi University is going to be modeled does not hold out any hope that all these big hopes will fructify. The new order of things to which my Honourable friend

[Saiyed Mohamed Padshah Sahib Bahadur.]

Sir Jogendra Singh referred will be a new order of things in its real sense, a better order of things for the world in its real sense, only if people do not commit the mistakes which they did in connection with the last war. At the time of the Versailles Treaty very noble sentiments, just like those which have been expressed in this House, were expressed, but since the framers of the Treaty, people who had framed the Versailles Treaty, contented themselves merely with these sentiments and were reluctant to part with the vested interests by which they had secured their position, the world is again plunged into another war, a much bitterer and a much worse war. I wish, Sir, that the people who have a hand in the formulation of the new order will have imagination, will have sympathy, will work in a spirit of give and take and will not sit tight over the things which they have already secured and unless this is done all the labour that has been spent upon this measure will be labour lost.

In the discussions, Sir, that have taken place in both the Houses so much light, so much searchlight has been thrown upon work of the Delhi University, so much evidence has been brought before this House and the other House to show that the Delhi University has been working under great handicaps, but what has been the result of all this. The Government on many occasions refused to admit the real facts and on others to accept any proposals that were brought by the people who brought those proposals not in a spirit of hostility but in a spirit of co-operation and with the desire to co-operate, with a view to help them in making a success of this measure. I hope, Sir, that as my Honourable friend the Education Member has said this is not the last word upon this measure. I hope that the Government will take steps and very soon to see that all these defects, these radical defects which are eating like a canker into the system of the Delhi University will be removed. Some of my friends have been characterising the amendments as if they were something very sinister and we have been called communalist and condemned for that. After all we demand the just rights of a certain section of the population, such just rights of which we have been deprived for so long.

It has been said by Mr. Kalikar that it is a temple of learning where no such things ought to find any place. I say if it is a temple and not a painted sepulchre, if it is a real temple let all who have the right to enter the temple be admitted and no obstacles thrown in their way. It is simply silly, it is ignoring the facts to say that there are no Mussalmans of the requisite qualification. There are plenty of them provided they were given a chance, provided you want to admit them in to the portals of the University, on the staff of their colleges.

With these words, Sir, I simply repeat my request to the Government that they will soon see their way to modify their policy.

*THE HONOURABLE MR. HOSSAIN IMAM: Mr. Chairman, I will not take more than a few minutes, because the time is very short. I have had long experience of the Government of India, and many times have I seen that things which are refused in the beginning are accepted in the end. And this is the one solitary hope which has sustained me for two days in moving my amendments. I had no delusion of being able either to convince Government or to carry the House with me. I simply registered a protest with the hope that ultimately even this Car of Juggernaut would move.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (East Punjab : Non-Muhammadan) : The Car of Juggernaut moves every year regularly.

THE HONOURABLE MR. HOSSAIN IMAM : Yes, but force is required to move it, and it moves once a year only.

Sir, the statement made by the Honourable Mr. Tyson on behalf of Government makes me more hopeful, and the statement of the Honourable Member for Education, Health and Lands, does not in any way make me hopeless that the Government's decision on this Bill was not a decision on the communal question. It was a decision taken on the spur of the moment due to the fact that notice had not been given and that action could not be taken, at such short notice, of a categorically changed nature. I do hope that Government will not sleep over the matter, but will make proper inquiries and find out where the shoe pinches.

I remarked, in the course of my amendments, that when the Government is going to take away so much of the power of the colleges and is going to pay so much of the cost of education, it is only right for the Government to choose either of the two methods—either have a unitary university, or have control over the management of the colleges. The appointments, if they are paid for out of the revenues of India, must be on the basis and on the principles applicable to Government employees. There must be a communal proportion fixed.

I for one would have preferred personally a post-graduate teaching course conducted by the University alone, and the teaching of those sciences which are not popular being undertaken by the University, the colleges being entrusted with the graduation courses and with those science courses which are popular. The result of this would have been that while colleges remained independent and able to control their own destinies in a restricted field, in the field which matters—I mean the post-graduate teaching course—the University would have had full right to do whatever it liked, and in a manner which it thought best.

My Honourable friend Mr. Kalikar, as usual, was very vehement in his attack on communalism. For, to my Hindu nationalist friends communalism means the advent of the Muslims. Everything is national as long as it is the monopoly of the Hindu nation. But as soon as the Muslim nation wants a share, it becomes a disease, a microbe; it becomes something unclean, unhealthy, and unfit to enter the temple of learning. The temple of learning will remain a temple of learning if it is a real, unbiased and honest institution, where there are no preferences for reasons of caste or community. I know that this is far from being the case. I deny absolutely that appointments are made merely on merits. If they are made on merits, why not have them made through the Public Service Commission? Why let the colleges make the appointments themselves? Leave the appointments in the hands of the Public Service Commission, and then you can be sure that you have made a proper selection.

THE HONOURABLE MR. V. V. KALIKAR: On a point of information, Sir. I may inform my Honourable friend that so far as the appointments of professors in my province are concerned, the Public Service Commission makes them, and not the University.

THE HONOURABLE MR. HOSSAIN IMAM: I was referring to the Delhi University. Here, the appointments are made by the college concerned—not even by the University. The University only recognises them. It does not get all the facts about those who have been rejected. That is my complaint against Government. There is no examination of rejections. The examination is only confined to the question of fitness. If there are two candidates, one a Hindu and the other a Muslim, the Muslim is turned out, and there is no redress for him. This is the point to which I want to draw Government's attention.

I have only one more suggestion to make. We have heard that Government had a plan for constructing buildings in Ghaziabad. That plan has been given up, and Government are now going to construct buildings in Delhi. May I suggest that those buildings should be built on the University site, so that they may serve ultimately as hostels? Let them be made to serve both purposes: during the war, let them be used as clerks' quarters, and after the war, let them be converted into students' hostels for the University. I thought this suggestion might be useful to the University authorities.

In the end, I can only say that this Bill goes in spite of our opposition. Had we been hopeless, we would not have given this Bill good wishes. But I do wish Mr. Sargent and all those who are embarking on this experiment success as far as they deserve.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (United Provinces Northern: Non-Muhammadan): Mr. Chairman, I will not occupy the attention of the House for more than a minute. My Honourable friend Sir Jogendra Singh said in his concluding speech that we were "between two worlds—one actual, and the other to be born". He hoped that the Delhi Bill would illuminate the whole

[Pandit Hirday Nath Kunzru.]

field of education. Sir, the hopes of my Honourable friend will be realised only if after the establishment of the Delhi University the Government of India recognise their responsibility towards education throughout the country. The Delhi University, which will be meant for a small area only, will surely not be able to shed light over the whole of this vast country. That will be possible only if, fortified by the results of the establishment of the Delhi University, the Government of India come forward to encourage the Provincial Governments to start similar universities, to reorganise their secondary education and also to spread education in rural areas, by promising them adequate grants-in-aid. Unless that duty is discharged by the Central Government, the real purpose of establishing a model university in Delhi will be completely lost.

There is only one other remark that I should like to make. I suggested yesterday that the Board of Secondary Education should be placed on a statutory basis. Its responsibilities will be great. My Honourable friend Mr. Sargent said yesterday that it would be its business to give instruction up to the intermediate standard. I go further and say that it will be its duty to give instruction of a higher kind than is given in intermediate colleges now, so that the gap now existing between the first stage of university education and the last stage of higher secondary education might disappear. In view of this, I suggest with all the emphasis at my command that our suggestion for bringing legislation before this House in order to place the Board of Higher Secondary Education on a new basis should be accepted.

My last suggestion is that Urdu and Hindi should be given a prominent place both in the secondary schools and in the University. They should be placed on absolutely the same footing as other branches of study, for, unless this is done, we shall not be able to give that education in the secondary schools which will enable the students to develop themselves fully and to apply their minds to the problems that come before them.

With these words, I should like to support the Bill. I should like, in doing so, to congratulate both Sir Maurice Gwyer and my Honourable friend Mr. Sargent who have worked together disinterestedly and zealously for the reorganisation of the Delhi University and for providing India with a University like the universities which are known in other parts of the world.

THE HONOURABLE SIR JOGENDRA SINGH : Sir, I rise to express my warm thanks to all Honourable Members of the House and particularly to the Honourable Mr. Sapru for his illuminating address on Education and no less to my Honourable friend Mr. Hossain Imam for his strongly pleading the cause of his community. In the course of the debate there was only one point which needs an answer, and that is the point which the Honourable Pandit Kunzru has just raised. He has called on me to indicate the policy of the Government of India in the matter of Education. It is indeed a very important question that he has put to me. Today a little while ago I was listening to the Honourable Mr. Hossain Imam pleading for provincial independence, seeking freedom from Federation and help from the Centre—

THE HONOURABLE MR. HOSSAIN IMAM : The help is welcome.

THE HONOURABLE SIR JOGENDRA SINGH : I can only say that I strongly believe and I am expressing my personal opinion that for many years to come the Centre must recover the power, and supervise the field not only of Education but every other field where the provinces need the help of the Centre. It shall be my endeavour during my tenure of office to help Education as far as I can and to secure funds for Education to carry out the programme which my Honourable friend Mr. Sargent is busy in preparing.

Finally, Sir, I wish to thank both my Honourable friend Mr. Sargent and my Honourable friend Mr. Tyson for the way in which they have piloted this Bill through both the Houses.

Lastly, Sir, I hope that the University which is the faithful mother of enlightenment, will produce men who not only absorb the thoughts of other men but attend to their own and thus follow the path of wisdom.

THE HONOURABLE THE CHAIRMAN : Motion moved :

"That the Bill further to amend the Delhi University Act, 1922, as passed by the Legislative Assembly, be passed".

Question put and Motion adopted.

THE HONOURABLE MR. P. N. SAPRU : Sir, can't we have a short adjournment now for tea ?

THE HONOURABLE THE CHAIRMAN : It is the pleasure of the House to have a short adjournment or shall we go on to the Adjournment Motion ? Under the rules we have to begin at 4 P.M., but if the House wishes, we can have a short adjournment.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : We can have an adjournment for 20 minutes, Sir.

(Other Honourable Members also agreed.)

THE HONOURABLE THE CHAIRMAN : Then we will meet again at 4-20 P.M. The Council then adjourned for Tea till Twenty Minutes Past Four of the Clock.

The Council re-assembled after Tea at Twenty Minutes Past Four of the Clock, the Honourable the Chairman (The Honourable Sir David Devadoss) in the Chair.

MOTION FOR ADJOURNMENT RE PREVENTION OF THE PUBLICATION OF DR. SHYAMA PRASAD MUKHERJEE'S STATEMENT ON THE FOOD SITUATION IN BENGAL.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (United Province Northern : Non-Muhammadan) : Sir, I move :

"That this House do adjourn to discuss a matter of urgent public importance, namely the prevention by the Government of India of the publication of Dr. Shyama Prasad Mukherjee's statement regarding the food situation in some districts of Bengal."

Mr. Chairman, the condition that prevails in various parts of the country on account of the shortage of food is well known to all members of this House. Bengal, Malabar, Cochin, Travancore and to a certain extent Orissa also are suffering greatly owing to high prices and the inability of the poor people to obtain the foodgrains that they are accustomed to. Harrowing accounts of the sufferings of the people have been published in the papers. Very recently, Sir, a paper which is published both in Calcutta and in Delhi published in two issues of it photographs of some of the starving people in Bengal and also of some of those that had died. Those photographs must have made a very painful and deep impression on the minds of all those who saw them. I cannot forget them ; they are always before me. I feel so deeply for the people of Bengal that if I had a large sum of money, to give away I would place it unhesitatingly at the disposal of my suffering countrymen there. If Government do not want that news relating to the distress that prevails in Bengal should create a panic in India, how could they allow those photographs to be published ? But having allowed those photographs to be published and accounts relating to deaths from starvation to appear in various newspapers, I cannot understand why they should have imposed a ban on the publication of Dr. Shyama Prasad Mukherjee's statement. Perhaps Honourable Members will be curious to know what the statement contained. But before I draw attention to its contents in order to show that it was in no way different from the statements that have appeared in the newspapers, I should like to say a word with reference to the remark made by the Honourable Mr. Conran-Smith this morning that the matter which I wanted to discuss was about a month old, if I heard him aright.

THE HONOURABLE MR. E. CONRAN-SMITH : Sir, on a point of explanation, I did not say any such thing. I said that there had been several meetings of this House between the date on which the statement was published and the present date.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : I do not know what the Honourable Member means by the date on which the statement was published ?

THE HONOURABLE MR. E. CONRAN-SMITH : I suggest that the Honourable Member leave that point till I make my reply.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : The statement was published in the Calcutta papers which came into my hands only the evening before last.

THE HONOURABLE MR. E. CONRAN-SMITH : The Council met yesterday.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : The Council did meet yesterday but I wanted to verify whether the Government had really imposed

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a ban on the publication of this statement and I have verified that the complaints which reached my ears were perfectly genuine.

Now, Sir, I shall turn to the statement issued by Dr. Shyama Prasad Mukherjee. The statement was issued after a short tour by him in some parts of the flooded and famine-stricken areas of Burdwan and Nadia. In the course of the statement he mentions the conditions prevailing in Midnapore also. He has stated as a result of what he saw with his own eyes that the non-official agencies which were singly or collectively trying to help the people were unable to secure the necessary food-grains. Another statement made by him was that innumerable families and individuals were starving and that there had been cases of death, of "sale and desertion of children and other dependants" and that "a general state of helplessness and hopelessness" seemed to prevail in the area which he visited. He then drew the attention of the authorities to the condition of the poorer classes and poor middle class families which could not beg and which, unless helped by the authorities, would have no option but to die slowly and painfully of starvation. Sir, after describing the work done by the non-official agencies he went on to make some suggestions to Government. The first suggestion made by him is that in those areas where rice is not procurable Government should cease to purchase rice and paddy. He has stated, Sir, that it was brought to his knowledge that in spite of the distress prevailing in the districts that I have already mentioned, Government was continuing the purchase of rice and paddy there and their removal to other parts of India. We do not know, Sir, how much rice was available there. It may be that there was a surplus there. If so, we should like to know what was the total quantity of grain available and how much Government purchased there? In the second place, as Dr. Shyama Prasad Mukherjee has pointed out in his statement, if the Government of Bengal want to go on purchasing rice in the districts already referred to and to use it to build up a reserve or to send it to other districts they must take upon themselves the responsibility of feeding the people of the areas in which rice and paddy are purchased by them. Government cannot simply denude these districts of their foodgrains and leave the helpless people to their fate. They must, if they buy food grains in the areas which are already suffering from a serious shortage of it, accept the responsibility of feeding the people there.

Another suggestion, Sir, which Dr. Shyama Prasad Mukherjee has made deserves the serious attention of Government and I am sure that it was not because of this suggestion that the publication of the statement was banned. He has pointed out that owing to the poverty of the people and the shortage of cloth the women had hardly enough clothing on their bodies to hide their shame and that women belonging to the poorer middle class families would hardly come out of their houses. He suggests, therefore, that the Government, in addition to undertaking the distribution of foodgrains, should also undertake the provision of cloth to deserving families. He made, Sir, many other suggestions of the same kind. It is not necessary for me to refer to all those suggestions but I do want to draw the attention of Government and the House to the declaration made by the Government of Bengal that it would purchase the *aus* crop and take the surplus out of the affected districts. The House will not be surprised to know that according to Dr. Shyama Prasad Mukherjee this declaration of policy has created alarm and panic in the affected districts.

Sir, Dr. Shyama Prasad Mukherjee after making the suggestions mentioned above has criticised the Bengal Government for their failure to fulfil their primary duty towards the people by enabling them to keep themselves alive. The principal part of his indictment of the Government of Bengal seems to be that the Ministry has no real responsibility and that those who enjoy real power are sheltering themselves behind the Ministry. His advice, therefore, is that a National Ministry should be formed in Bengal so that adequate pressure might be put on the authorities to compel them to deal energetically with the terrible situation that prevails in the Province.

Now, Sir, I would like to ask any fair-minded person in this House what was there in this statement which could be regarded as alarming or tending to create a panic in India?

THE HONOURABLE MR. E. CONRAN-SMITH : May I rise to enquire from which copy of the statement my Honourable friend is reading?

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : I think it is the *Amrita Bazar Patrika* of the 26th or 27th. I have not noted down the date.

This statement has been published in the Calcutta papers. It was received in Delhi and it could have been received here only because the Bengal Censor passed the statement, otherwise no news agency would have been allowed to wire a summary of the statement outside Bengal. Well, if this statement, Sir, is allowed to be published in Bengal which is the most affected part and where it is most necessary not to allow the publication of information which would alarm the people, and the Bengal Press Adviser found nothing objectionable in it why was it not allowed to be published here ? I should like to know, Sir, in this connection what is the policy of the Government of India with regard to censorship ? Why should they have prohibited the publication of a statement which had been allowed to be published in Calcutta and which had been allowed to be wired to other parts of India by the Provincial Press Adviser. There must be a limit, Sir, to the vagaries of censorship. The Government of India have undoubtedly the power to go wrong but—

THE HONOURABLE THE CHAIRMAN : Will the Honourable Member please remember the time limit ?

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : I have my eye, Sir, on the clock.

I hope, Sir, that they will not use the unlimited power that they enjoy in an arbitrary annoying and offensive manner. They should not abuse their privilege and allow it to be converted into a licence.

Sir, I do not want to take up the time of the House any further but I do want some explanation from Government regarding the policy which they follow in connection with the censoring of statements. Sir, if my memory does not fail me, when discussions took place here regarding the censorship exercised by the authorities it was realised by that Central Government that when a statement which mainly concerned one province was approved for publication by the Press Adviser of that province the Government of India should be very careful in exercising their right to prevent its publication.

It seems to me, therefore, that the ban placed on the publication of Dr. Shyama Prasad Mukherjee's statement is wholly inexplicable. It is not justified by anything contained in the statement, which is not in any way different from the news that has already appeared in the papers regarding the distress that prevails in Bengal.

THE HONOURABLE MR. V. V. KALIKAR (Central Provinces : General) : Sir, I rise to support the Motion so eloquently moved by my Honourable friend Pandit Kunzru. We know the harrowing tales of starvation and death in the city of Calcutta. We know that in Malabar people are starving for want of food. These statements are published in the Press ; and, as stated by the Honourable Pandit Kunzru, in one newspaper photographs of people dying of starvation in Calcutta have appeared. It rather puzzles my mind, Sir, to understand the attitude of the Government of India. When these photographs are published, they are not censored. Why should the statement of Dr. Shyama Prasad Mukherjee be censored ? Dr. Shyama Prasad Mukherjee toured round three districts in Bengal, secured first-hand information about the food situation there, and suggested certain remedies. Do the Government of India think that the publication of the statement of Dr. Mukherjee will cause a breach of the peace in India, or harm the administration of the Food Department ?

We know that the Government has bungled, and bungled very seriously, in administering the Food Department. We have before us a statement made by a responsible Minister in the Punjab, that so many tons of wheat were lying there in the Punjab but were not removed by the War Transport Department. That statement was not censored. What does Dr. Shyama Prasad Mukherjee say ? He says : " Please take certain steps to relieve the condition of the starving and dying people of Bengal ". Why has the Government of India come in the way of its publication ? Instead of helping to relieve the distress of the starving and dying people, the Government of India censored the statement and created more panic by suppressing statements of people like Dr. Shyama Prasad Mukherjee. We

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thereby begin to think that the Government of India are not fair in their dealings with the public of India.

Dr. Mukherjee has stated in his statement that starving people are selling their children, and that the middle class people do not get food, and, not being in a position to beg, die in their own houses. He has, therefore, suggested that some remedy should be found to give them food. But here is the Bengal Government, and here is the Government of India; they are not only not taking any measures in this direction to relieve the distress of the starving people there, but they go to the extent of censoring the statement made by a public man of the fame of Dr. Shyama Prasad Mukherjee. The proper way for the Government of India was to have allowed the statement to be published, and if the facts stated by Dr. Mukherjee were incorrect, they ought to have contradicted them. I cannot see what weighed with the Government of India in adopting this absurd course of censoring the statement.

Sir, Dr. Mukherjee says that in those districts where people are dying for want of rice, rice is purchased by the Government agency. Why should not Government interfere and stop the purchase of that particular commodity in those areas, when they know that people are dying for want of rice? The Government of India as well as the Bengal Government have failed in their duty to relieve the sufferings of the starving people, and they deserve censure.

The statement published by Dr. Mukherjee clearly brings out one fact before us, and that is that the Government of India as well as the Bengal Government are callous to the sufferings of our people in Bengal.

THE HONOURABLE MR. P. N. SAPRU: Of course they are.

THE HONOURABLE MR. V. V. KALIKAR: They do not at all care for the starving people. We have read stories of people in the streets of Calcutta fighting for particles of rice near dust bins. These statements have been published in the *Statesman*. You did not censor those statements. Why do you censor the statement of Dr. Shyama Prasad Mukherjee? Has he told you anything more?

It is really surprising that the Government of India, sitting here in the Imperial city of Delhi, should take this abnormal course of censoring honest statements—statement which Dr. Shyama Prasad Mukherjee has prepared after careful examination of the situation. They have adopted this abnormal course to stifle public agitation on this question. I am not in a position to say what is going on in the mind of the Government. But I must state definitely that if the Government of India adopt a course like this, they will alienate the sympathies of all those who are helping them in this emergency. I wish the Government of India would take courage in both hands and adopt a course which will relieve the suffering of starving people there, instead of adopting this absurd course of suppressing statements made by public men like Dr. Shyama Prasad Mukherjee.

THE HONOURABLE MR. P. N. SAPRU (United Provinces Southern: Non-Muhammadian): Mr. Chairman, I am surprised at nothing that the present Government of India does. I think, Sir, that what their Censor has done in regard to Dr. Shyama Prasad Mukherjee is quite in keeping with the policy of Mr. Amery and the head of the Government who is, fortunately for this country, retiring and leaving its shores for ever. Sir, people are actually dying of starvation in Bengal and we hear harrowing tales of the distress that people are suffering from in Bengal, Travancore, Cochin and Malabar, and yet this Government of India of 14 men, 10 of whom are Indians—some of them very estimable men in private life—has not been able to do anything to tackle the problem of food, and when a man of the status and stature in public life of Dr. Shyama Prasad Mukherjee says that you must do something to solve this problem, when he makes concrete suggestions, when he draws attention to what is happening in Bengal—and he is not the first to draw attention to what is happening in Bengal; a British paper has been writing in strong language about what is happening in Bengal—when he draws attention to what is occurring in Bengal, this Censor of the Government of India says, “Your statement shall not be published”. Even though that statement was allowed to be published in Bengal by the Bengal Administration, this Censor says that notwithstanding that statement has been allowed to be published by the Bengal Government, the Delhi papers shall not publish it. If the object of the Government

is to see that that statement does not reach the people of this country, they have failed in that object, because, some of us read the *Amrita Bazar Patrika* and the *Amrita Bazar Patrika* has published it. What you have done is merely to prevent the Delhi and Northern India papers from publishing the statement. Is that the uniformity of policy in regard to press censorship which this most despicable of Governments is adopting? Are we to thank this Government which has not been able to tackle this food problem all this time, which does not know its mind in regard to how this food problem has to be tackled—are we to thank this Government, the most incompetent of Governments—I say it again and I say it with emphasis—for the situation that it has created in Bengal and for the action it has taken in regard to Dr. Shyama Prasad Mukherjee? I say, Sir, with a certain amount of certainty that if there had been a Government like the Government of India in any responsibly governed country, that Government would have been turned out in 24 hours. No decent Legislature, no decent electorate, would have supported a Government of nincompoops, and they are a set of nincompoops. I read heart rending accounts of what is taking place in Bengal. There is cholera, typhoid and malaria there. Government says rice sells at Rs. 40 to Rs. 50 per maund. But the newspapers say that even if one pays Rs. 40 or Rs. 50, one cannot get rice there. The rumour today in the lobby was that the brother of a member of the Government has died of starvation in Calcutta. I was distressed to hear it. This is the record of the Government of India presided over by the Marquis of Linlithgow, and this is the record of the Government of Bengal presided over by Sir John Herbert! I do not blame the Bengal Ministry. The Ministry is not a free agent. It has got to work with a Governor who was not prepared to co-operate with Mr. Fazlul Huq. It has got to work with a Governor who dismissed Dr. Shyama Prasad Mukherjee. It has got to work with a Governor who made Mr. Fazlul Huq to sign a letter of resignation. That shows the despicable character of the Bengal Administration and when I say Bengal Administration, I mean the Governor of Bengal.

Sir, only this morning I was reading the *Amrita Bazar Patrika* and here is a picture which you can see: "The Most Uncommon Commodity today—Food salvaged from stinking dustbins, and devoured with avidity by the famished destitute". You can see this picture here (showing the picture in the copy of the *Amrita Bazar Patrika*, dated the 28th August, 1943). Sir, it is difficult for those of us who are children of the soil, who have sympathy with people of the soil, who do not eat minced meat and bacon and eggs but who live on rice, *chappatis*, *puris* and things of that type,—it is difficult for us not to feel shocked at the distressing tales that we receive from Bengal. We have relations, we have friends in Bengal. We get letters from them even though we know that these letters are censored. We get people from Bengal and they tell us tales about Bengal. News travels. It is not in Bengal only that the situation is serious. I prophesy that in my own province, the situation is likely to grow worse. In Benares I hear the situation is getting pretty serious.

I have read the statement of Dr. Shyama Prasad Mukherjee. I do not find any incitement in that statement against the war effort. I do not find in that statement any intemperate criticism, and I think intemperate criticism against this Government is justified. I do not find in that statement any intemperate criticism against this Government. I find that he has been visiting certain districts of Nadia, Burdwan and Midnapore and has given an objective account of what he saw in those districts, and he has made certain suggestions for the improvement of the food situation in those districts. How can a statement of that character, meant to secure greater co-operation between the Government and the people in this crisis, how can a statement designed to make suggestions for the improvement of the food situation which is admittedly bad, how can a statement which says that the food situation will improve if *inter alia* a national Government is also formed in Bengal? How can a statement of that character, I ask in all seriousness, affect the law and order of Bengal or of any part of India? Of course, every question is one of law and order in this country. I suppose the speeches that we deliver are very obnoxious to our official friends. We want them to be obnoxious to our official friends. We want to tell them the truth, that they have failed, and failed miserably, despicably, to deal in an efficient manner with the food situation. You go and ask

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any villager today, you go and ask any Indian today, whether he be a Muslim or a Hindu. The one thing he says is "Prices are shooting up. I cannot live. I have not got enough to purchase food". You tell him that the trouble is due to profiteering, hoarding, currency manipulation, difficulty in regard to co-ordination between surplus and deficit provinces, you may give him a hundred explanations; he does not care for those explanations; he does not understand those explanations. He knows a certain fact and that fact is that food is not available and that food has not been available for a long time and he wants to be saved from starvation. He wants to be saved from hunger. He is not bothered about independence. He is not bothered about Pakistan or Akhand Hindustan. Those are questions which do not trouble him just now. The urge of hunger is very strong in him. It was very strong with us today. We suggested at 4 P.M. that you might allow us a few minutes for tea. Well, Sir, if we cannot do without our tea, then do you think that millions of men, or hundreds of thousands of men, can do without their meals. They can do without food for one day, two days, three days, but surely not for days together. If I do not have a meal one day I feel exhausted. I do not like to do any work even the next day. These fellows know hunger, because they are used to it and it is a marvel that they have been putting up with all this sort of thing so long.

THE HONOURABLE THE CHAIRMAN: Let me remind the Honourable Member that his time is up.

THE HONOURABLE MR. P. N. SAPRU: I shall finish soon.

My Honourable friend Dr. Kunzru has pointed out the difficulties of the middle class people also. I say that if ever a censure motion was deserving of support from all sections of the House, irrespective of any communal differences, it is this and I would ask my Honourable friend to forget personalities and give his whole hearted support to this Motion. Look upon it as a direct censure upon this most incompetent of Governments.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa: Mahammadan): Sir, I have often complained that the Government have different standards for different kinds of people. The pictures that were published in the *Statesman* were greater proof of the terrible conditions prevailing in Bengal than all the facts contained in Dr. Shyama Prasad Mukherjee's statement; yet they were not censored. The business that is being helped directly by the Government—I mean motion pictures—showed to us the other day in Delhi the ravages of floods in Burdwan. It is being shown in many cinemas in Delhi and yet it has not been censored. What is the standard which the Government has fixed for censoring a thing? Is there any intelligence in the action of the Government of India, any uniformity in the actions of the Government of India? I say, Sir, that every civilised Government has to submit to certain standards. This is the difference between an autocratic Government of the type of the Nazis and the so-called democracy which is supposed to prevail in the British Empire. I have qualified my statement because I do not believe that in India we have even the semblance of democracy. We have autocratic rule camouflaged as the rule of 15, 14 Executive Councillors and the Master Manu. The Government of India has banned the statement, I am told, for Delhi. One is surprised that a statement which concerns Bengal primarily should be allowed to be published in Bengal and should be stopped from publication in the central area of Delhi. If the statement was bad—I am not saying that there is nothing bad in the statement, I shall deal with it later on—I do not see that it would have been very harmful if publication had been allowed in Delhi. The fact to which attention has already been drawn is that the *Amrita Bazar Patrika* which published copies of this statement was not proscribed. If they wanted to go the whole hog, they ought to have done this too; then there would have been some sort of consistency even in this rough method which they adopted. But they have allowed the *Amrita Bazar Patrika* to be published and then prevented this statement from publication here and I say it is senseless. There is no sense in doing a thing like that; you dam up one end and open the sluice gate on the other. What is the idea of it?

Sir, reference was made to the scarcity of cloths. As I am somewhat intimately connected with this subject, I should like to mention that the scarcity of clothes is not due to the unavailability of the cloths but to want of funds. The condition of Bengal is peculiar in this respect. It is not only scarcity that is troubling Bengal but want of funds in the hands of the poor is the greatest trouble of the peoples of Bengal. Foodstuff is available at such high prices that it is outside the resources of the ordinary man to buy. In this connection I would like to have some statement from the Honourable Secretary, War Transport Department, because pointed reference has been made to the statement of Sir Chhotu Ram in which he has stated that although there is nearly 2½ lakh tons of wheat available, the War Transport Department has transferred not more than 60,000 tons. I do not know how far the allegation is correct. It is for the War Transport Secretary to enlighten the House on this subject and tell us whether the statement of the Punjab Minister is correct or not. But that is a very grave charge if the War Transport Department has failed to move the grains available. Sir, it is the responsibility of the whole of the Government of India, not only of the War Transport Department, that something should be done to make food available. The plight of Bengal is one for which every man has sympathy. It is not a political question. It is at this point that I differ from Dr. Shyama Prasad Mukherjee. His statement tries to make political capital out of this calamity. I regret, Sir, that Bengal politics has degenerated so much that even in this hour of trial, when there is famine, deaths and floods, people cannot combine and genuinely try to alleviate the condition of the country. I have seen his statement and some of his remarks are, to say the least, most improper at this juncture. The complaint is that the Government is not making rice available to the country. Now, a Government can only make a thing available if it buys it. The present Government has made a plan for purchasing rice. The whole plan has been condemned by Dr. Mukherjee. Well, if the Government does not buy now when the harvest is being gathered I doubt if they will be ever able to supply the needs of the country. I agree with his criticism that in a district where there is scarcity no export should be allowed, I have personal experience of my own province where my Provincial Government prohibited the movement of crops from one district to another in certain commodities. The Provincial Government is perfectly justified in imposing inter-district restrictions and *if there is any truth in that allegation then I think his criticism would be perfectly correct.* The Bengal Government must take the responsibility for feeding the people of the area affected. It must not forget these guilty persons who in spite of the local scarcity are selling rice to the outside authorities. Not a word is said about the *bania*. Why don't you condemn him and his unpatriotic action, that he is taking by selling to outsiders and thereby starving the people of the country? He is guilty of a sin of commission if the Government is guilty of a sin of omission.

Well, one of the methods that he has suggested was that free kitchens should be opened in every village in the district of Midnapore and Burdwan. Any one who has any knowledge, of the countryside can understand how difficult, almost impossible it is to have a free kitchen in every village of a district and especially districts with such large populations as they have in Bengal. I do not know the population of the districts of Midnapore and Burdwan but I know of one district and it has a population of 44 lakhs, the Mymensingh district. So I think the impracticable suggestions which he has made have been made probably with a view to make political capital out of the failure of the present Government.

Well, Sir, as I have said, in this statement Dr. Shyama Prasad Mukherjee has tried to make political capital. I refer to these words of his :—

"It is not for me to discuss how far the present Ministry or the permanent officials or the Government of India is responsible."

He conveniently forgets Mr. Fazlul Huq who was the Chief Minister at the time when the rice was harvested, and at the time when the Government of India wanted him to come into the pool and he refused. He has not a word of condemnation for Fazlul Huq, and how could he? We see the peculiar political integrity of Bengal, that the Leader of a Party can resign from a Ministry and yet the Party under the leadership of resigned ex-minister must support the Government. This is a parody of political integrity which we have seen in Bengal. I am not happy

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over Bengal. I condemn some of my own co-religionist too. There is something rotten in Bengal politics and I regret to say that politics have become a plaything there and even at this juncture when Bengal is in such terrible difficulties, Bengal politicians are not rising up to the standard to which they should rise if they have to deal with this situation in a manner in which it ought to be tackled. It is time when all differences should be forgotten, it is time when all political forces must sink their differences and come together and work for the removal of the famine conditions in Bengal. He says that the present crisis can only be solved by a Government commanding the confidence of the people. If a Government commanding the confidence of the people comes forward with courage and determination, who is standing in the way? Dr. Shyama Prasad Mukherjee and his Party. The League Party was perfectly willing and desirous of having the co-operation of as many Hindu friends as it could get but it is regrettable that they stood out. They made it a condition that unless Fazlul Huq came in they would not join. I for one cannot in any way be a party to condemnation of the present Ministry in Bengal but I do say, Sir, that that should not be an excuse for the Government of India to ban this statement. We may have our quarrel—we are brothers : we will fight one day and may be together the next day—but why should the Government of India intervene ineffectively in this matter? Have they a clean record in this matter? As has been said in the last debate the Food Ministry has been the shuttlecock of the Government of India. It goes from one man to another. Without any security of tenure and without any regard for the competence of the man who will handle the matter. We in this House, Sir, unitedly demanded last year the creation of a Food Ministry. It was then regarded as the usual political stunt of ours. The Government would not heed us but now when famine conditions have appeared they find that they are unable to do anything. The *Amrita Bazar Patrika*, which published this statement, had a very good caption for its leading article—"Give food or get out". I think it says in five words what India demands. It is the duty of the Government of India either to give food or to get out.

THE HONOURABLE MR. SUSIL KUMAR ROY CHOWDHURY (West Bengal : Non-Muhammadan) : Sir, I rise to support the Motion moved by my Honourable friend Dr. Kunzru. Sir, as one coming from Bengal I am in the habit of reading the Calcutta papers. I find that many important news about the food situation and the condition of the people of Bengal which appear in the Calcutta papers are not published in the papers in Delhi. I read in the Calcutta papers that Dr. Shyama Prasad Mukherjee, who had been the Vice-Chancellor of the Calcutta University for two terms and had held the post of the Finance Minister of the Province of Bengal and who certainly cannot be called an irresponsible person, had made a statement that he went out touring several districts of Bengal to see for himself the condition of the people there and found that though the people of those districts were dying of starvation for want of food still rice was being exported from those districts. Sir, I also read the other day in one of the Calcutta papers that a brother of a member of the Government of India committed suicide on account of poverty. I thought first that perhaps the papers here do not consider these news important enough to take up the columns of their papers. I now learn that here there is somebody sitting somewhere who prunes the news perhaps thinking that, if the people of the Imperial City come to know what is happening in Bengal, it will expose the Government of India and their understudy the Government of Bengal and will show them in their true colours. What has appeared in the Calcutta papers is insignificant compared to what is happening there and which is not published anywhere and which can be seen only with one's own eyes. All credit to the *Statesman* which came out with a very strong article the other day castigating the Government of India and the Government of Bengal in the severest of terms. The favoured contractors are still profiteering with the help and connivance of the Government of India and the Government of Bengal. The people of Bengal—why the people of Bengal, the people of India—are crying with one voice : "Either give us food or get out". The Censor here perhaps thought that unless he suppressed the news the misdeeds of the Government of India and the Government of Bengal—which are countless—would be known if the news were published. I am sure that if those misdeeds or even a frae-

tion of those misdeeds are known, these Governments will be greeted with an unanimous hiss the sound of which will vibrate not only throughout the length and breadth of this country but outside it as well.

Sir, I strongly support the Motion moved by my Honourable friend Pandit Kunzru.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan) : Sir, most of the ground that I wanted to cover has already been covered by my Honourable colleagues. But I want to ask the Government of India and the Government of Bengal why they were sleeping over this question for such a long time ? Burma has been in the possession of Japan for more than a year. My information is that a million and a half tons of rice used to come from Burma, and the Bengal Government knew that this supply had been cut off by the occupation of Burma. Notwithstanding the fact that the province was short of a million and a half tons of rice, the Bengal Government allowed the export of rice to other countries. Why was that done ? Why were the Government of India sleeping at that time, notwithstanding the fact that Assam and Bengal were probably to be the future field of warfare ?

The man who is hungry does all sorts of things to save his life. Knowing the fact that Assam and Eastern Bengal were to be the centre of warfare, what would be the condition and attitude of the people when actual warfare is going on in their midst ? My own view is that both the Government of India and the Government of Bengal have failed in their prime duty of protecting the people from starvation. Law and order depend upon the contentment of the people, and if people are dying of starvation you cannot expect to maintain law and order. What happened in Burma ? We must take some lessons from the happenings of Burma. Information has been reaching us—I cannot say whether all that information is correct—that the attention and sympathy of the Burma Government towards the people was not what it ought to have been, and the result was that Burma was lost. I need not mention what effect it had.

Reference has been made to the statement of the Punjab Minister. I have already given a reply to that responsible Minister, and it has appeared in the Press, though not in all the newspapers. He said that the War Transport Department had not been able to remove so much wheat from the Punjab. That argument does not appeal to me. Bengal requires rice. Bengal is not a wheat-eating province, and I cannot understand what is meant by all this propaganda of the Minister of the Punjab Government saying that they had so much spare wheat and that the Government of India failed to transport it.

THE HONOURABLE MR. HOSSAIN IMAM : May I remind the Honourable Member that when people are starving they will eat anything that they get ? How can they expect to get what they want ? They must eat what they get. Beggars cannot be choosers.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : My Honourable friend says they will eat anything they get. But I can tell you that a man who is accustomed to rice will not take to wheat. Wheat will not suit him. I know of cases in which people who had been accustomed to rice were forced to take to wheat and developed dysentery and other diseases and had to give it up. Wheat is given to rice-eating people only when they are sick.

However, my question is this. The Government of Bengal knew that the province was short of a million and a half tons of rice. Why did they allow export of rice from the province ? Why do they give this excuse that the rice exported was for Indian soldiers and sailors ? That is no excuse at all. My contention was that the Bengal Government knew that they were short of rice, and still they went on exporting rice from the province. They should not have done that. They should have taken the political situation into consideration. There was warfare going on near Assam, and the Bengal Government could not provide its people with food. What will be the condition when that part of the country becomes a field of warfare ?

My Honourable friend Mr. Hossain Imam said that the traders are to blame because they are hoarding stocks of rice. I blame everybody who has no sympathy with people who are dying for want of food. There must be some reserve with the people. There may come a time—which God forbid—when Japan may invade

[Rai Bahadur Lala Ram Saran Das.]

India. Everybody thinks that Japan is going to invade India. If Government fails to find food in normal times, what will they do when the area becomes the field of warfare? There must be some reserve stocks with the people to meet emergencies and they ought not to be deprived of even the small stock they have. I am not talking of the trader. I am talking of the farmer, the agriculturist, who ploughs the fields and who lives on agriculture. One should not deprive them of everything they have. My friend blames the Food Department. How can we blame the Food Department? The Food Department is looked up to by other provinces. It has come to the rescue of certain parts of the country when they have become short of foodstuffs. When there is shortage of rice in Bengal, rice must be found in order to save their lives and to save their Government from the critical situation. No one would show any sympathy to a Government which does not even look after the lives of its subjects. The question of transportation arises only in normal times. When there is a war going on, transport becomes very difficult. Therefore it is proper that there must be some reserves with the landholder and the tiller of the soil at the present time so that he may fall back upon it during the hard times that are likely to come in the near future. My friends wanted to bring in political considerations—the Premier differing from the Governor or the Ministry not co-operating with the Governor and so on. The Ministry and the Governor are both to blame for neglecting their duty at a very serious time, and the sooner the Government realises its blunder and restores food to its people, the better. Otherwise it will have to face serious consequences in the near future when people will actually be living under war conditions, when there will be bombing and so forth. The Bengal Government, knowing that they were short by $\frac{1}{2}$ million tons of imported rice, did not take any measures to recoup their stocks thereby letting the people to die of starvation. I greatly appreciate the services of the *Statesman* in publishing the photograph of the starving dying people, and thus bringing to the notice of the rest of India the conditions which are prevailing in Bengal. I wish that the Government of India should wake up to their duty and force the Bengal Government to come to their senses and move in a manner in which there will not be further trouble owing to people dying of starvation.

THE HONOURABLE MR. E. CONRAN-SMITH : Sir, so formidable has been the massed attack of the Opposition that I feel I ought to be crushed. That I am not is mainly due to the fact that so much of their heavy artillery has been firing off the mark. I cannot congratulate them on their gunnery. Many of the shots went over my head and a lot more went wide. They were obviously aimed at entirely different marks. I must confess, however, that I have been left confused. We have travelled *via* politics and the Food Department to the time at which my Honourable friend Mr. Sapru takes his tea. My Honourable friend Mr. Hossain Imam has left me more confused than any other speaker. He has apparently condemned Dr. Shyama Prasad Mukherjee and his statement. But he has at the same time condemned Government apparently only on the principle that whatever Government does must be wrong. He has also urged the Government to get out. Which Government is far from clear. Is it the Government of Bengal or the Government of India? That left vague.

THE HONOURABLE MR. HOSSAIN IMAM : The Government of India every time.

THE HONOURABLE MR. E. CONRAN-SMITH : Very well, the Government of India.

THE HONOURABLE MR. P. N. SAPRU : The Government of Bengal.

THE HONOURABLE MR. SUSIL KUMAR ROY CHOWDHURY : The Bengal Government should get out first.

THE HONOURABLE MR. E. CONRAN-SMITH : I propose, Sir, to confine myself to the subject-matter of this Motion, the intention of which is to criticise Government for a certain action they took in regard to this particular statement. In doing so I propose to give the House the facts. A summary of the statement made by Dr. Shyama Prasad Mukherjee on the Bengal food situation was put out by a leading news agency on August the 25th and came to the notice of the Chief Press Adviser on the afternoon of that day. From the text of the summary, which was all that

was available at the time, the Chief Press Adviser formed the opinion that although it had apparently been passed for publication in some form by the Press Adviser in Calcutta, the statement as given in the agency summary was objectionable from the security point of view and was designed primarily, as my Honourable friend Mr. Hossein Imam has also told us, with the object of exploiting the food situation for purely party ends. After consultation, therefore, with the several departments concerned, who fully concurred in this view, the Chief Press Adviser advised the news agencies and all Provincial Press Advisers that the statement was not passed for publication outside Bengal. As Honourable Members will no doubt have seen, a brief reference to the statement has appeared in the *Hindustan Times* and other newspapers but from an examination of the Calcutta papers that have since come to hand, it appears that the statement received rather fuller publicity in Bengal than it did elsewhere. I should like to make a reference here to the Honourable Dr. Kunzru's objection to what I said this morning on the subject of the urgency of this Motion. What I said was that there had been some publicity given to the statement some days ago and that I thought there was plenty of time between then and now for the Honourable Dr. Kunzru to have moved his Motion if the matter was so urgent as to justify a Motion to adjourn the House. I particularly asked the Honourable Dr. Kunzru from what statement he was reading so that I might get some idea how and when he derived his information. He did not tell me how he learnt that Government had imposed a ban, or rather that the Chief Press Adviser had not passed this statement for publication. Presumably he only obtained that information very recently, and if so, I can understand why he did not previously move this Motion.

Well, Sir, it is clear from a comparison between the News Agency summary which I referred to and which was first seen by the Chief Press Adviser and the version of the statement published in certain leading Calcutta nationalist dailies, that the statement contained passages to which no exception need have been taken and which though perhaps critical of the measures taken by Government might have been regarded as fair comment. But, as I have said, there were other passages which in the opinion of the Government of India were definitely prejudicial. As publicity has been denied to an Agency report of the statement on these grounds, I do not propose to go into details of the objectionable passages—

THE HONOURABLE MR. P. N. SAPRU : May I ask a question, Sir ? Are there any passages other than the *Amrita Bazar Patrika* version in the statement of Dr. Shyama Prasad Mukherjee ? The *Amrita Bazar Patrika* has published a statement of Dr. Shyama Prasad Mukherjee. Are there any other passages besides those published in the *Amrita Bazar Patrika* ?

THE HONOURABLE MR. E. CONRAN-SMITH : I have not been privileged myself to read the *Amrita Bazar Patrika*. I cannot therefore answer the Honourable Member's question.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : The Honourable Member has not answered the real point. If the statement was objectionable because it attacked the Government of Bengal for partisan reasons, it was for the Government of Bengal to object to it, but it did not. How do the Government of India and their Chief Press Adviser become greater guardians of the interests of the Government of Bengal than the Government of Bengal themselves ?

THE HONOURABLE MR. E. CONRAN-SMITH : I did not interrupt the Honourable Member when he was speaking. I think he might do me an equal courtesy and allow me to finish my speech.

As regards the question he has just asked me, I imagine that the Government of Bengal has adequate worthy motives for allowing this statement publicity in Bengal.

I was saying, Sir, that I did not propose to give details of the objectionable passages, because that would defeat the very object with which Government have denied publicity to the full statement. But it is significant, I think, that in the version of the statement published in two of the leading Calcutta nationalist dailies—the *Hindustan Standard* and *Advance*—the passages which in the Government of India's opinion were the most objectionable were omitted. Honourable Members will no doubt agree that the action taken by these newspapers in omitting the

[Mr. E. Conran-Smith.]

passages in question—as far as I am aware independently and on their own responsibility—supports the view that the action taken by the Chief Press Adviser was fully justified. If a further unofficial opinion is required on this point, I would refer Honourable Members to the comment by the *Statesman's* Muslim correspondent in his weekly article which appeared in the issue of that paper of August the 30th. With your permission, Sir, I will read a brief extract from that newspaper.

“Dr. Shyama Prasad Mukherjee has issued a statement which contains no new information on the prevailing situation nor offers any constructive suggestion which might help those engaged in working out measures of relief. It is heavily loaded instead with deliberate insinuations against the League Ministry and against British elements in the country's administration. The Ministry is asked to ‘quit honourably’ and the British are accused of ‘hiding behind’ it after having presumably reduced the people of Bengal to starvation. For concentrated venom the concluding paragraph of the statement is hard to beat. And all this at a time when ordinary decency demands a truce in communal warfare. But the Bengal Legislature is shortly to meet again, and the statement-maker's motive is apparent.”

I do not propose to comment on what I have read except on one aspect of it which is material to my argument but I propose now to fire some of my guns at the Opposition. The extract which I have read points out that there is no new information in this statement and that there is nothing constructive in it. Now I listened in vain to the speeches of Honourable Members opposite to hear some reason why they were so worked up, why they felt so strongly about the action of Government in denying publicity to this statement. If they had been able to show that Dr. Shyama Prasad Mukherjee had made some really constructive suggestion, had contributed something to the practical relief of the unfortunate starving people of Bengal, they might have made a good case. But not one single member of the Opposition gave me one single reason why that statement which did not contribute anything to the solution of the situation should not have been banned.

In conclusion, Sir, I should like to emphasise that while it is imperative in time of war for the press to exercise certain restraints that in ordinary times might not be necessary, the Government of India have no desire to prevent the publication in the press of reasonable reports and comment on present conditions in Bengal provided that such reports do not endanger security. I would like to ask my Honourable friends opposite, especially Dr. Kunzru, to remember that our enemies are always listening and the kind of stuff that is sometimes put out in the press—I only say sometimes because the press have, I acknowledge, exercised great restraint—is sometimes an invitation to the enemy. I may say, however, that the Government of India view with misgivings the tendency in some quarters to overdramatise the situation, possibly with the best of intentions, and they have no hesitation in condemning the tendency in other quarters to exploit the situation for purely political or sectional ends. Let me say that all of us feel most acutely over the tragic suffering of Bengal and nothing I have said is intended in any way to diminish or detract from the feelings of sympathy which we all have for the unfortunate sufferers. But I repeat once more that not one of the Honourable Members who have painted a lurid picture of conditions in Bengal has shown that Dr. Shyama Prasad Mukherjee's statement had contributed anything to the relief of the situation.

Finally, Sir, I would just like to say again that there are military reasons which will be obvious to Honourable Members why the co-operation of the press is needed in presenting the picture in its proper perspective. I am sure that this House will agree that the efforts of all of us should at the present moment be bent upon the constructive task of devising means for speedily alleviating distress and exposing anti-social elements who for motives of self-interest are impeding the distribution of foodstuffs. Well, Sir, I have said enough to show that Government did not act with any lack of consideration of the issues involved and that they had no intention of being discriminatory. I confidently expect that the views I have expressed will commend themselves to this House and that far from providing grounds for censure the action which the Government took will receive their whole-hearted support.

* THE HONOURABLE SAYYED MOHAMED PADSHAH SAHIB BAHADUR (Madras : Muhammadan) : Sir, I have not had the opportunity of reading the statement of Dr. Shyama Prasad Mukherjee. It was published in the *Amrita Bazar Patrika*.

But, Sir, I think that I could get material enough for me to form my view of it after hearing the account of it by the Honourable Dr. Kunzru, and from what Dr. Kunzru read out of the statement I felt that I should support the Motion to the extent that the Government of India was not justified in banning a statement of that kind. But, Sir, the discussion in this House and some of the utterances made by some of my Honourable friends on this side of the House unfortunately seem to have shaken me in my resolve. After the demand which my Honourable friend Mr. Susil Kumar Roy Chowdhury made that the Ministry in Bengal ought to go out, I feel as though I would not be justified in supporting this Motion. I will explain my position. It is not because the Ministry there is League Ministry but because an attempt seems to be made to make political capital out of the distress of the people. This is a most reprehensible kind of thing if this is the object of Dr. Shyama Prasad Mukherjee's statement. I feel that such sort of things should not be allowed. As has been remarked by Mr. Hossain Imam and by Mr. Sapru all differences, political and otherwise, have got to be sunk to the bottom and the only feeling that should prompt us in this respect should be the amelioration of the suffering which is caused to the distressed humanity in that great Province of Bengal. It is for this reason, Sir, that in spite of all the provocations that have been given, I have stood up on the floor of this House to express my sympathy with the distress that is prevailing in the Province of Bengal.

As regards the ban that was placed on this statement my feeling is that despite the explanation which was given by the Honourable the Home Secretary the Government was not justified in prohibiting its publication in its entirety. My view is that they should have allowed those parts of the statement to be published which were published in the *Amrita Bazar Patrika* and other papers in Calcutta and that thereby they could have stopped all this criticism, all this suspicion, which their banning has produced. The statement had been published in some papers already and there was no point in preventing it being published in other places, not inclusive of all those objectionable features of it but only such parts of it as have already been published in the local papers of Calcutta. All this trouble and outcry could thus have been avoided.

As regards the food situation in Bengal there cannot be two opinions about it. Whatever the complexion of our political views, I feel, Sir, as my Honourable friend the Leader of the Progressive Party, Lala Ram Saran Das has observed, that Government should have taken steps much earlier to cope with the situation. He was perfectly right in observing that at the time when Burma was lost to India the Bengal Government should have taken steps to see that there was enough of foodstuffs in the country stored for future emergency. If the Government then had had imagination to see ahead and to provide for the emergency that was quite certain to arise they could have, to a great extent, avoided the trouble which is now distressing the people in Bengal, and, as you know, Sir, the Government then in office there was Mr. Fazlul Huq's Government. It was not merely Huq's Government's duty to do it; it was the duty of the Governor of Bengal also to do it because after all he is the head of the administration and responsible for it. In a thing like this even if the Ministry does do nothing which on the very face of it appears to militate against the real interests of the people, and interests of this serious character, it should have been perfectly right for the Governor to have intervened and asked the Ministry to stay their hands. When we were discussing the food question we made proposals—Dr. Kunzru and lots of us as well—that in a matter like this considerations of political autonomy, considerations of provincial autonomy, considerations of precedence, conventions, all those things should go by the board and the one consideration that should guide Government should be to procure food for the starving millions of the country. It is very distressing to hear of the woeful tales that are given of the sufferings of the people all over the country, not merely in Bengal but also in my province. I know, Sir, that in my own province there are a number of districts which are famine-stricken. The other day, Sir, when the food question was under discussion you pointed out the starvation that was raging in Malabar. You drew pointed attention to the deaths that were occurring by hundreds in Malabar and Travancore and Cochin, deaths which were due to cholera and malaria and epidemics of similar kinds, all on account of the starvation and

[Saiyed Mohamed Padshah Sahib Bahadur.]

malnutrition of the people in those areas. Therefore, Sir, the Government should have taken steps and that much earlier than they did to cope with the situation. They should have had the imagination to see that the question of food would assume such grave dimensions in our country. They should not have taken things in the way they did in the last war. They have been proclaiming from the house tops that this war is a total war and would put completely into the shade the last war which was supposed to be a world-war. When they were handling such a thing, when they were tackling such a big problem, they should have had the imagination that the problems which would arise in the prosecution of the war would be quite different, would be much graver than those problems which they had handled during the last war. Now, Sir, as against this, what do we find? There is the statement of the Punjab Minister to say that there is a lot of wheat available in the province and not even one-fifth of it has been removed to Bengal or any other deficit areas. Is this the way to tackle the food situation? Is this the way to solve the food problem?

I do not want to be little the endeavours that are being made by the Food Department to cope with the situation. But I say those endeavours are far short of what is actually required. You have got to cast aside, you have got to sweep to the winds all your previous conceptions. You have got to forget for the moment that you have got to move in the official groove only. You must give up the idea that some months have to elapse before all the official routine is gone through and all the papers pass through all the departments of the Government. You have got to drop all that. You have got to get over all the old notions and try to do things in a realistic manner. When you know that the disease which you have got to tackle is so chronic and so fell, your remedy should also be correspondingly drastic, and something out of the ordinary.

As I said in my previous remarks, I am not going to allot blame to this party or that party. Until the whole matter is investigated and until it is known which party is really to blame—whether the present Ministry or the previous Ministry or the Governor of Bengal who, on the very face of it, seems to be solely responsible for the situation, or whether it is the Government of India whose responsibility is not only for Delhi but for the whole of India—until all this is ascertained, we cannot apportion blame to any of these parties that are concerned in this matter.

Whatever it is, we are not at present concerned with allotting blame. All that we are concerned with today is somehow to find food, and I humbly request the Government of India not to bother with preserving law and order. The best way to preserve law and order is to see that the people are given their daily necessities of life. Merely suppressing such statements or trying to pacify the feelings of the people by giving them assurances that elaborate arrangements will be made to procure food will not do. What matters is action, and action has got to be taken immediately and effectively. I request, therefore, that the Government of India will not lose even a moment in trying to retrieve the present situation.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Mr. Chairman, I must confess that I was utterly disappointed with the reply of my Honourable friend Mr. Conran-Smith. My point was that when a statement which chiefly affected Bengal had been allowed to be published by the Bengal Government, why should the Government of India go out of their way to ban its publication? My Honourable friend did not deal with that point at all. He simply said that it was an attack on the Government, that it was not a contribution to the solution of the food problem, and so on. Government have taken up a real position today. Is the censorship of the Government of India to be exercised in order to decide whether public statements contain constructive suggestions or not?

THE HONOURABLE MR. E. CONRAN-SMITH: On a point of explanation, Sir, I cannot let that pass. I did not say that. I gave the reasons why Government denied publicity, but I asked my Honourable friend to explain why he thought it necessary to move this Adjournment Motion and why he felt so strongly about a statement which made no material contribution to the solution of the Bengal food problem. That is quite different from saying that Government had banned it because it contained no constructive suggestion.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: My Honourable friend has again missed the point. Whether it makes a material contribution or any contribution at all to the solution of the food problem is not of the slightest importance. The statement may contain nothing beyond what has been already published, but why should its publication be objected to?

THE HONOURABLE MR. E. CONRAN-SMITH: For the reasons I gave.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: My Honourable friend gave only one reason, and that was that some passages in the statement as issued by Dr. Shyama Prasad Mukherjee had been omitted by some of the Calcutta Papers.

THE HONOURABLE MR. E. CONRAN-SMITH: On the contrary, I said some passages were objectionable.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: If the Honourable Member had not interrupted me, I would have said that he told us that some passages had been omitted by some papers of Calcutta because they thought that those passages were not suitable for publication. (*Interruption*). They were probably afraid they would be taken to task by the Government of Bengal, if they published what Dr. Shyama Prasad Mukherjee considered to be the whole truth. I drew the attention of the Honourable Member to what was contained in the *Anrita Bazar Patrika*. There did not seem to me to be anything there that could be objected to. I have not seen the summaries that were wired out from Bengal by the Associated Press or by the United Press, but did they all consist of objectionable matter? Was there nothing in them that could be passed for publication?

My Honourable friend, like a clever man, dwelt a great deal on one point only. He tried to make out that Dr. Shyama Prasad Mukherjee had criticised the Bengal authorities and administration, for party purposes. I shall assume for the moment that my Honourable friend's reading of the motives of Dr. Shyama Prasad Mukherjee was correct and that Dr. Mukherjee, while describing the food situation in Bengal which the Honourable Member himself admitted was not exaggerated took advantage of the prevailing distress to criticise the Bengal authorities. But is that a sin? Is that a reason why the Government of India should step in and prevent the publication of his statement? Statements are daily published in papers in all provinces which contain criticisms of Government action. If the censorship, provincial or all-India, is going to be exercised for the prevention of statements which the Government of India do not regard as high-minded, I venture to say that the censorship will stand utterly condemned and deserve to be hated by the public. It will become clear if Government follow such a policy that they, while condemning partisanship in others, do not themselves hesitate to use their censorship for partisan purposes. Sir, If my Honourable friend could question the statements of fact made by Dr. Shyama Prasad Mukherjee, I could understand his objecting to the publication of the statement. But he has not objected to, he has not criticised the statement on that ground. He knows that Dr. Mukherjee is much more aware of the situation in Bengal than my Honourable friend. He was, therefore, careful enough not to criticise Dr. Mukherjee's statement on the ground that it went beyond the facts. He only tried to stir up prejudice against it by saying that Dr. Mukherjee had published a full account of the distress prevailing in some districts of Bengal only in order to discredit the Bengal authorities and perhaps the Government of India. That part of the statement which was read out by my Honourable friend Mr. Hossain Imam clearly shows that he did not want to apportion blame between the Government of Bengal and the Government of India. All that he was concerned to point out was that, no matter whose the responsibility, the situation had not been dealt with in a proper way. The Honourable Member may try to make out as much as he can that Dr. Shyama Prasad Mukherjee intended to attack the Nazimuddin Ministry. Dr. Mukherjee has certainly suggested that the present Ministry should resign, but the House should know the reasons for which he has asked the Ministry to tender its resignation. What he feels is that it enjoys no real power and that all real power is concentrated in the hands of others who are using the Ministry for their own purposes. He has really criticised,

[Pandit Hirday Nath Kunzru.]

to be quite plain, not the Ministry but the Governor of Bengal, and I think he was perfectly justified in doing so. My Honourable friend, Mr. Conran-Smith, even when he disapproves views expressed by others, is always fair enough to allow that they are actuated by the public good. I was therefore surprised that, forgetting his usual courtesy he should go so far as to impugn Dr. Shyama Prasad Mukherjee's motives. He had not the slightest reason for doing so. That in the opinion of the Government of India Dr. Mukherjee made no constructive suggestion in his statement did not, in my opinion, matter in the slightest degree. As a matter of fact, however, he has made constructive suggestions. The Government of Bengal and the Government of India may not agree with those suggestions, but to charge Dr. Shyama Prasad Mukherjee with having made no constructive suggestions is to say something which is contrary to fact. But even granting—

THE HONOURABLE MR. E. CONRAN-SMITH: Could my Honourable friend mention one constructive suggestion?

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU: Certainly. He has made suggestions for the starting of more free kitchens, for the distribution of cloth and for not denuding those areas which are suffering from scarcity of the little grain that they have. Are these not suggestions worthy of the attention both of the Government of Bengal and of the Government of India? Can the Government of India pretend that there was nothing in those suggestions? But, even granting that Dr. Shyama Prasad Mukherjee made no constructive suggestions was it at all proper of my Honourable friend Mr. Conran-Smith to attack his motives? The real objection of the Government of India, I venture to say, is that Dr. Shyama Prasad Mukherjee in his statement drew public attention to the responsibility of the Governor of Bengal for the present situation and I feel that he discharged a great public duty by stating this fact plainly. The Government of India ought to know—I am sure they know already—that there are many responsible people besides Dr. Shyama Prasad Mukherjee in Bengal itself who hold the Head of the Government responsible for the present disgraceful situation. the *Statesman* the other day wrote an article regarding the situation in Bengal the heading of which was "An All-India Disgrace". Did that leading article contain any constructive suggestions? Did the photographs published by the *Statesman* suggest any solution of the present problem? Have the newspapers in Bengal, which have severely criticised the present administration for its failure to discharge its elementary duty towards its people made any constructive suggestions? I read, Sir, some of the Bengal papers and I think I am on safe ground in saying that no statement on the present situation in Bengal so far published in the papers gives such a graphic account of the terrible distress prevailing there as Dr. Shyama Prasad Mukherjee's statement. Even if he has made no constructive suggestions, he has rendered a service to Bengal in particular and India in general by fully exposing the shocking remissness of the Government of India and the Government of Bengal in a matter vitally affecting not merely the welfare of the people of Bengal but their lives and —

THE HONOURABLE THE CHAIRMAN: I think the time is up. There is no other business and this Session is over. The Council is now adjourned *sine die*.

The Council then adjourned *sine die*.

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